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224696

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CONTENTS

No.
470. Drainage assessments on Indian lands in Oklahoma.
471. Memorial in commemoration of Battle of Plattsburg, 1814.
475. Sale of remnant lands to Caddo County, Okla.
477. Memorial to John Ericsson in Washington, D. C.
478. Method of improving channel giving access to military reservations.
483. Bridge across Bayou Macon, La.
484. Delivery of condemned cannon, etc.
485. Fish-cultural stations on Columbia River.
486. Fire-limit requirement for public building at Salisbury, Md.
487. Consolidation of certain forest lands in Sierra national forest, Cal.
488. To regulate taking of sponges in Gulf of Mexico.
491. Fishery experiment station on Pacific Coast.
492. Survey and sale of land in Coconino County, Ariz.
493. Medawakanton and Wahpakoota Santee Sioux Indians.
498. Additional fish-cultural station in Texas.
499. Disposal of certain homestead entries in State of Washington.
505. Naval appropriation bill, 1915.
506. To promote certain officers of Army on retired list.
508. Annulling proclamation creating Chugach national forest.
509. Public building at Durango, Colo.
511. Lobster-rearing station on Atlantic Coast.
512. Right of way across fish reservation at Baird, Cal.
513. Relief of claimants to Coppinger land grant, California.
515. Construction of wagon roads over public lands of United States.
518. Legislative, executive, and judicial appropriation bill, 1915.
519. Indian appropriation bill, 1915.
520. To amend law relative to reservation of lands in Alaska.
524. Public building at Crisfield, Md.
526. Fort McHenry military reservation.
527. College details from active list of Army.
531. Claims of United States against Tennessee, etc.
537. Protection of water supply of Salt Lake City, Utah.
540. Commission to recommend appointment to office.
542. Light and fog-signal station on Michigan Island, Lake Superior.
546. Bridge across Missouri River at Kansas City, Mo.
547. Bridge across White River, Mo.
549. Public building at Pendleton, Oreg.
551. Pensions to widows, etc., of officers and enlisted men, War with Spain.
552. Immigration station at Baltimore, Md.
553. Mine rescue station at McAlester, Okla.
554. Public building at Harrisburg, Pa.
555. Public building at Mandan, N. Dak.
556. Public building at Memphis, Tenn.

Digitized by Google

No.
557. To prohibit importation of convict-made goods.
558. Delegates to International Dental Congress, London, 1914.
560. Sale of surplus lands in Flathead Reservation.
561. Disposal of certain lands in Fort Berthold Reservation, N. Dak.
568. To amend act protecting locators of oil and gas lands.
569. To authorize King Theological Hall to convey real estate.
570. Sale of land to Mandan Town and Country Club.
571. Permits on oil and gas lands withdrawn from entry.
572. To amend act for railroad rights of way through Indian reservations.
573. Additional lands for railroad companies on Indian reservations.
574. Terms of Federal courts in Pennsylvania.
575. Terms of Federal court in West Virginia.
576. To increase efficiency of army aviation service.
577. Elimination of private holdings within Glacier National Park.
578. National Star-Spangled Banner Centennial Celebration, 1914.
579. Validation of title to certain town sites in Montana.
583. To create Federal Trade Commission.
585. Purchase of bronze copies of Houdon statue of George Washington.
586. Pension appropriation bill, 1915.
589. Disposal of portion of Fort Bidwell Indian School reservation.
590. Judicial powers of United States ministers, consuls, etc.
591. To present steam launch Louise to French Government.
592. Diplomatic and consular appropriation bill, 1915.
597. To create Federal Trade Commission.
607. To amend postal and civil-service laws relative to postmasters.
608. Public building at Honolulu, Hawaii.
615. To issue patents for certain lands to Myton, Utah.
621. Appropriation of waters of Rio Grande River, Colo.
624. Consolidation of army veterinary service.
629. Sale of lands for public park at Denver, Colo.
630. Incorporation of certain lands in Pike national forest, Colo.
631. Organization of regular Army.
632. To authorize assignments of entries on Flathead Reservation, Mont.
633. 4th International Congress on Home Education.
636. Vacancies in district land offices.
639. Army and Navy medal of honor honor roll.
642. Disposal of certain school lands by Ponca, Okla.
643. Grant of land to Bozeman, Mont., for alley purposes.
644. Sundry civil appropriation bill, 1915.
647. Bridge across Sabine River, La. and Tex.
648. Income tax on railroads in Alaska.
649. To amend act for dike on Olalla Slough, Lincoln County, Oreg.
650. Bridge across slough of Tennessee River, Guntersville, Ala.
652. Relief of homestead settlers making entries under act of May 29, 1908.
653. Bridge across St. Louis River between Minnesota and Wisconsin.
654. Protection of water supply of Nevadaville, Colo.
655. To amend Revised statutes relative to carrying petroleum on vessels.
656. To return original ordinance of secession of Louisiana.
657. Loan of tents, etc., to military schools.
661. Building for Department of Justice.
665. Highway along Rio Grande border.
666. Bridge across Sulphur River, Tex.
670. Standard box for shipping apples.

Digitized by Google

No.
671. Leasing privileges for hotels in Yosemite National Park.
679. Marriage of homestead entrywoman with alien.
683. To amend act providing for enlarged homesteads.
684. To extend time for street railway system, South Hilo, Hawaii.
687. Monument to Francis S. Key, etc., at Fort McHenry.
689. General deficiency appropriation bill.
690. Rank of certain retired army officers.
694. Public building at Grand Junction, Colo.
698. To supplement existing laws against unlawful restraints and monopolies.
699. Validating locations of phosphate rock deposits.
700. Patent for certain lands to Susanville, Cal.
702. Bridge across Tug Fork of Big Sandy River.
703. Bridge across St. John River at Fort Kent, Me.
704. Bridge across Arkansas River at Little Rock, Ark.
705. Lands for school purposes in Chelan County, Wash.
706. Railroad securities.
707. Public building at Dallas, Tex.
708. Sale of lots in town site of Plummer, Idaho.
709. Disposal of lands in town site of Port Angeles, Wash.
710. Bridge across Merrimac River, Mass.
711. Withdrawal of lands on Quinaielt Reservation for lighthouse purposes.
712. Creation of Bureau of Labor Safety.
716. Leave of absence for homestead entrymen in one or two periods.
718. Navy mail lines between United States and South America, etc.
719. Admission of foreign-built ships to American registry.
720. Adjudication and payment of Indian depredation claims.
727. Bridge across Mississippi River near Muscatine, Iowa.
728. Time for holding terms of court at Jonesboro, Ark.
729. Construction of buildings along alleyways in District of Columbia.
731. To extend provisions of enlarged-homestead act to Kansas.
732. 2d homestead and desert-land entries.
733. Public building at Claremont, N. H.
734. Members of board of managers of National Soldiers' Home.
736. Assay office in New York City.
737. Public building at Rockingham, N. C.
738. Public building at Shelbyville, Tenn.
742. Pembina, N. Dak., to be port of immediate transportation.
743. Construction and maintenance of rural post roads.
745. Public building at Tonopah, Nev.
746. Bridge across eastern branch of Elizabeth River, Va.
747. Enlarged homesteads.
748. To amend act granting Fort Hays reservation to Kansas.
749. To validate certain acts of Legislature of Alaska.
750. Homestead entries on timber lands in Flathead Reservation.
752. Issuance of homestead patent to deserted wives.
753. To repeal act for disposal of lands in Montana.
754. Federal building at Pocatello, Idaho.
755. To extend general land laws to Fort Bridger reservation.
756. Public road near Nashville, Tenn.
757. Bureau of War Risk Insurance.
758. To authorize closing of Swan Creek, Toledo, Ohio.
759. Annuities of Medawakanton and Wahpakoota Santee Sioux Indians.
763. Establishment of mining-experiment and mine-safety stations.

Digitized by Google

No.
766. To transfer sealskins to custody of Attorney General.
769. To amend act for disposal of surplus lands in Blackfeet Reservation.
770. Publicity of campaign contributions.
771. Regulation of interstate commerce as to products of convict labor.
772. Improvement of foreign service.
773. Sale of portion of Federal building site at Oldtown, Me.
776. Public building at Prescott, Ariz.
777. Amendments to Federal reserve act.
778. Steadying world's prices of staples.
779. To amend Revised statutes relative to gasoline on steamboats.
780. Relocation of headquarters of customs district of Florida.
782. Bridge across Pistakee and Nippersink lakes.
783. Renewal of licenses of marine officers.
784. Bridge across St. Francis River, Ark.
787. Use of waters stored in North Platte River, Nebr.
788. Lands for military park reservation in Tennessee.
790. Leasing of coal lands in Alaska.
791. Extension of lines of Washington Railway and Electric Company.
792. To establish Rocky Mountain National Park, Colo.
793. Bridge across Mississippi River at St. Paul, Minn.
797. Terms of district court in North Carolina.
799. Exemption of Reclamation Service from certain legislation.
800. 3d International Congress on Education, Oakland, 1915.
801. Relief of registers and receivers of land offices in Kansas.
803. Ceding certain lands in Presidio of San Francisco, Cal.
806. Nonmineral entries on coal lands in Alaska.
810. Sale of portion of public-building site at Gastonia, N. C.
812. Donation of fence around Vance Park, Charlotte, N. C.
813. War-revenue bill.
814. Improvement of East River and Hell Gate, N. Y.
816. American registry for vessels built in foreign countries in certain cases.
817. Public building at La Junta, Colo.
818. Labeling and tagging of fabrics entering into interstate commerce.
819. Relief of certain settlers in Louisiana.
821. Practice of pharmacy, etc., in United States consular districts in China.
822. 9th International Congress of World's Purity Federation.
824. Payment of damages to Norwegian ship Ingrid.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 470.

DRAINAGE ASSESSMENTS ON INDIAN LANDS IN OKLAHOMA.

APRIL 30, 1914.—Ordered to be printed.

Mr. OWEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 13133.]

The Committee on Indian Affairs, having under consideration House bill 13133, which passed the House March 16, providing for the payment of drainage assessments on Indian lands in Oklahoma, reports the same with the recommendation that the bill pass.

The lands involved are at the present time of little value, whereas, with drainage, their value would increase from $50 to $150 per acre, and the committee believes it a wise business policy to assess the land benefited for the cost of reclaiming it.

The bill has the indorsement of the Interior Department, as is evidenced by the following letter:

AUGUST 11, 1913.

MY DEAR SENATOR: I have your letter of July 15, 1913, transmitting for report a copy of Senate bill No. 2724,[1] providing for the payment of drainage assessments on Indian land in Oklahoma.[1]

The purpose of this bill is to authorize the department to approve assessments and maps showing right of way and definite location of drainage ditches on allotments of Absentee Shawnee and citizen Pottawatomie allottees in Salt Creek drainage district No. 2, in Pottawatomie County, Okla., and to appropriate the sum of $22,000 with which to pay the assessments.

The bill is very similar to legislation heretofore enacted concerning drainage districts in Oklahoma, and the department sees no reason why it should not be passed, particularly as section 3 thereof contains a provision under which the payments made on account of the drainage assessments will be reimbursed to the United States, which is identical with section 3 of the act of June 19, 1912 (37 Stat. L., 194).

Very truly, yours,

A. A. JONES, *First Assistant Secretary.*

To Hon. W. J. STONE,
Chairman Committee on Indian Affairs, United States Senate.

[1] This is same as H. R. 13133.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 471.

COMMEMORATION OF BATTLE OF PLATTSBURGH.

APRIL 30, 1914.—Ordered to be printed.

Mr. ROOT, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 3662.]

The Committee on the Library, to which was referred the bill (S. 3662) entitled "A bill to promote the erection of a memorial in conjunction with the celebration of the centenary of the Battle of Plattsburgh, during the year nineteen hundred and fourteen, in commemoration of the one hundredth anniversary of Macdonough's victory in the naval battle fought in the War of Eighteen hundred and twelve, the last naval engagement between English-speaking peoples," reports that it has considered the same and reports the following substitute bill with recommendation that said substitute bill be referred to the Committee on Appropriations and that the same be included in the sundry civil bill and passed. Said substitute bill reads as follows:

A BILL To promote the erection of a memorial in conjunction with the celebration, during the year nineteen hundred and fourteen, of the centenary of the Battle of Plattsburgh on land and on lake in commemoration of the one hundredth anniversary of Macdonough's victory in the last naval engagement between English-speaking peoples.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $250,000 (out of which, as hereinafter provided, the sum of $15,000 is to be paid to the commission appointed by the State of Vermont) toward the erection of a memorial and in aid of the celebration during the year nineteen hundred and fourteen, at Plattsburgh, New York, in conjunction with the centenary of the Battle of Plattsburgh on land and lake and in commemoration of the victory of Commodore Thomas Macdonough on Lake Champlain, the same to be disbursed by the centenary commission appointed by the State of New York.

SEC. 2. That the President is hereby authorized to appoint three citizens of the United States as commissioners of the said centenary celebration, who shall serve without pay, but who shall be reimbursed and paid out of the money herein appropriated for their actual and necessary expenses in attending their official duties, of whom one shall be chosen from the Army and one from the Navy to represent the National Government in the proposed celebration and in the erection of the proposed memorial in conjunction with the commissioners representing the State of New York.

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SEC. 3. That the making of the appropriation provided for in section one of this act shall in no way operate, by implication or otherwise, to require the United States to incur any further debt or obligation in connection with the erection of such memorial or in connection with said centenary celebration.

SEC. 4. That the money appropriated by this act shall be paid out on the order of the Secretary of the Treasury of the United States from time to time to the treasurer of the organization engaged on the part of the State of New York in the erection of said memorial and in promoting and holding the said centenary celebration, and, on said Secretary being satisfied, the money appropriated will be disbursed for the objects, uses, and purposes expressed in section one of this act, and as hereinafter specified: *Provided*, That no part of the sum hereby appropriated shall be available for the said centenary celebration of said Battle of Plattsburgh until the State of New York shall have appropriated the sum of $125,000 for purposes specified in section one of this Act: *And provided further*, That said centenary commission appointed by the State of New York shall pay out of said appropriation of $250,000 the sum of $15,000 to the commission appointed by the State of Vermont in aid of the celebration and erection of a suitable memorial in said State as contemplated in the act of the Legislature of the State of Vermont making an appropriation therefor. The provisions of sections two and three of this Act shall apply also to the appropriation herein made for the State of Vermont with like force and effect as though as to such appropriation the words "the State of Vermont" appeared in the last line of section two in lieu of the words "the State of New York."

The printed report of the hearing before a subcommittee of this committee, held March 12, 1914, Senator Lea presiding, is attached to and made a part of this report.

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HEARING BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON THE LIBRARY, UNITED STATES SENATE SIXTY-THIRD CONGRESS, ON S. 3662

A BILL TO PROMOTE THE ERECTION OF A MEMORIAL IN CONJUNCTION WITH THE CELEBRATION OF THE CENTENARY OF THE BATTLE OF PLATTSBURGH DURING THE YEAR 1914, IN COMMEMORATION OF THE ONE HUNDREDTH ANNIVERSARY OF MACDONOUGH'S VICTORY IN THE NAVAL BATTLE FOUGHT IN THE WAR OF 1812, THE LAST NAVAL ENGAGEMENT BETWEEN ENGLISH-SPEAKING PEOPLES

THURSDAY, MARCH 12, 1914

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CONTENTS.

Statement of—

William P. Dillingham ---------- 6
Franklin D. Roosevelt ---------- 7
Francis L. Stetson ---------- 8
George W. Stone ---------- 17
Thomas F. Conway ---------- 18
Frank L. Greene ---------- 20
Rev. John P. Chidwick ---------- 22
Howard D. Hadley, presents letters ---------- 23
Senator Elihu Root, letters to ---------- 24
Senator James A. O'Gorman, letters to ---------- 25

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COMMEMORATION OF BATTLE OF PLATTSBURGH.

THURSDAY, MARCH 12, 1914.

UNITED STATES SENATE,
SUBCOMMITTEE OF COMMITTEE ON THE LIBRARY,
Washington, D. C.

The subcommittee met at 10.45 o'clock a. m., pursuant to the call of the chairman.

Present: Senator Lea (chairman).

Also present: Hon. William P. Dillingham, United States Senator from Vermont; Hon. Carroll S. Page, United States Senator from Vermont; Hon. Frank L. Greene, a Representative in Congress from the State of Vermont; Hon. Peter G. Ten Eyck, a Representative in Congress from the State of New York; Mr. Francis Lynde Stetson, 15 Broad Street, New York City, chairman Plattsburgh Centenary Commission; ex-Lieut. Gov. Thomas F. Conway, 32 Nassau Street, New York City, vice chairman Plattsburgh Centenary Commission; Salvatore A. Cotillo, 273 Pleasant Avenue, New York City, member Plattsburgh Centenary Commission; John Dorst, jr., Akron, Erie County, N. Y., member Plattsburgh Centenary Commission; Joseph S. Esquirol, 25 Crooke Avenue, Brooklyn, N. Y., member Plattsburgh Centenary Commission; Hon. Franklin D. Roosevelt, Assistant Secretary of the Navy, Washington, D. C., member Plattsburgh Centenary Commission; Very Rev. John P. Chidwick, D. D., St. Joseph's Seminary, Yonkers, N. Y., president of the Catholic Summer School of America, member of Plattsburgh Centenary Commission; Henry W. Hill, 471 Linwood Avenue, Buffalo, N. Y., member Plattsburg Centenary Commission; Howard D. Hadley, assistant secretary Plattsburgh Centenary Commission; Plattsburgh, N. Y., also representing Trades and Labor Assembly of Plattsburgh; Jay A. Freeman, Plattsburgh, N. Y., president chamber of commerce; W. H. Goff, mayor of Plattsburg, N. Y.; W. E. Parkhurst, ex-president chamber of commerce, Plattsburgh, N. Y.; Edwin G. Moore, president Young Men's Christian Association, Plattsburgh, N. Y.; Elmer F. Botsford, president Clinton County Agricultural Society, Plattsburgh, N. Y.; George W. Stone, president Vermont-Macdonough Memorial Commission, Vergennes, Vt.; John Donnelly, Vergennes, Vt.; Rev. L. A. Vezina, president board of trade, Vergennes, Vt.; Millard F. Barnes, Chimney Point, Vt.; Col. Charles D. Booth, Washington, D. C.; Henry K. Averill, Washington, D. C.; Henry A. Macomb, Philadelphia, Pa., grandson of Gen. Alexander Macomb, commander of American land troops at Plattsburgh Battle; Charles A. Murray, New York City, secretary Catholic Summer School of America; Charles A. Barnard, city

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judge, Plattsburgh, N. Y.; Senator Robert W. McCuen, Vergennes, Vt., secretary Vermont-Macdonough Commission; Ira A. Rowlson, Plattsburgh, N. Y.; John S. McDowell, Plattsburgh, N. Y.; Frank K. Ryan, Plattsburgh, N. Y.

The CHAIRMAN. The committee has assembled this morning for the purpose of considering Senate bill No. 3662, which is as follows:

[S. 3662, Sixty-third Congress, second session.]

A BILL To provide the erection of a memorial in conjunction with the celebration of the centenary of the Battle of Plattsburgh, during the year 1914, in commemoration of the one hundredth anniversary of Macdonough's victory in the naval battle fought in the War of 1812, the last naval engagement between English-speaking peoples.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $250,000 toward the erection of a memorial in commemoration of the victory of Commodore Thomas Macdonough on Lake Champlain and in aid of the celebration of the centenary of the Battle of Plattsburgh, to be held during the year 1914 at Plattsburgh, N. Y., the same to be disbursed by the centenary commission appointed by the State of New York.

SEC. 2. That the President is hereby authorized to appoint three citizens of the United States as commissioners of the said centenary celebration, who shall serve without pay, but who shall be reimbursed and paid out of the money herein appropriated for their actual and necessary expenses in attending their official duties, of whom one shall be chosen from the Army and one from the Navy, to represent the National Government in the proposed celebration and in the erection of the proposed memorial in conjunction with the commissioners representing the State of New York.

SEC. 3. That the making of the appropriation provided for in section 1 of this act shall in no way operate, by implication or otherwise, to require the United States to incur any further debt or obligation in connection with the erection of such memorial or in connection with said centenary celebration.

SEC. 4. That the money appropriated by this act shall be paid out on the order of the Secretary of the Treasury of the United States from time to time to the treasurer of the organization engaged in the erection of said monument and in promoting and holding the said centenary celebration, and, on said secretary being satisfied, the money appropriated will be disbursed for the objects, uses, and purposes expressed in section 1 of this act: *Provided,* That no part of the sum hereby appropriated shall be available for the said centenary celebration of said Battle of Plattsburgh until the United States commissioners are satisfied that a sufficient sum has been appropriated by the State of New York for that purpose, including the amount hereby appropriated, for the completion of said memorial.

Senator Dillingham, have you anyone you care to present to the committee?

STATEMENT OF HON. WILLIAM P. DILLINGHAM, A UNITED STATES SENATOR FROM THE STATE OF VERMONT.

Senator DILLINGHAM. Mr. Chairman, this movement was inaugurated in the State of New York, and the bill which is before you recognizes the New York scheme. Vermont simply asks to be let into it, and in an informal conference had this morning between the Vermont representatives here and the New York representatives, I think they have come to a full agreement as to the terms on which they shall come in. There is a perfect sentiment of mutuality between the two States. The fact that this battle originated in both States equally allots our claims, although Vermont's claims are not as great as what New York asks for in the bill. I think the New York delegation want to present to the committee in concise form the

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scheme, the origin of it and the importance of it, and what they hope to accomplish, and when that is done the Vermonters will be very glad to speak their part in the matter, their interest in the matter. I doubt not that the two committees will be able to suggest to the committee any amendment they may like to add to the measure. I suggest that the New York delegation would like to present the claims of New York to the committee so that Congress may have the benefit of the information they have gathered.

The CHAIRMAN. We will be very glad indeed to hear any representative of either or both States. I regret that all the members of the subcommittee are not able to be here this morning, but we have an official reporter so that the hearing will be laid before not only the subcommittee but the full committee. I will have to ask that the hearing be limited to one hour, as I have an engagement which I will be obliged to meet at 12 o'clock.

Mr. STETSON. Assistant Secretary Roosevelt will be the first speaker.

STATEMENT OF HON. FRANKLIN D. ROOSEVELT, ASSISTANT SECRETARY OF THE NAVY.

Mr. ROOSEVELT. Mr. Chairman, I appear here in a dual capacity; in fact, a triple capacity. I happen to be the person in the Senate of the State of New York who introduced the original resolution calling for the appointment of a committee of the senate and house of the State to make a report on the advisability of celebrating the centenary of the Battles of Lake Champlain, meaning by that the naval battle on the Lake and also the land battle which went on 2 miles away, simultaneously. That committee reported in favor of a celebration on a national scale, and as a result a commission has been appointed in the State of New York and it has hoped at this session of the legislature to obtain an appropriation of $125,000 for that celebration from the State of New York. I think, from information I have, that there is absolutely no question but that it will go through the legislature and will be signed by the governor.

I also appear here—and I think I can properly—as a representative of the Navy Department, to state to the committee that the celebration of that battle is of real interest to that branch of the service. Every naval officer, every person who has been connected with the Navy, is interested in the Battle of Lake Champlain. They are particularly interested in it because of the fact that it is conceded by all naval historians—in fact, by all historians of every kind, I think—that the Battle of Lake Champlain, the naval battle of Lake Champlain, was probably the greatest feat of arms that our Navy achieved in the War of 1812. We have all heard, of course, a great deal about the Battle of Lake Erie, and I do not for a moment want to discredit the plaudits which Perry and his officers received in that battle, but I think it is fair to state that perhaps the reason why the American people to-day do not know as much about the Battle of Lake Champlain as they do about the Battle of Lake Erie is because of several very self-evident reasons. The first is that the Battle of Lake Erie contains several picturesque features, such as the moving of the American commander from his own ship after it was in a sinking condition, practically, to another ship in a small boat. Another

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reason is that that battle was the first victory that we ever obtained over Great Britain in that war in which a fleet was engaged on both sides. The second battle in which two fleets were engaged was the Battle of Lake Champlain, but it came after the first battle, and did not get perhaps the same applause as if it had been the first.

I drew the parallel last night in talking to Gov. Conway as to what would have happened to this country in 1898 if the Battle of Santiago had been fought on May 1 and the Battle of Manila Bay had been fought July 3. The chances are that the Battle of Santiago would have aroused the American people to the same pitch of excitement that the Battle of Manila Bay did. Probably the relations of the two battles would have been exactly changed. The importance of the Battle of Lake Champlain historically is, of course, very great. It is more important historically than the Battle of Lake Erie. I think that is conceded by all. In our War of 1812, as in the Revolution, the weakness of the United States from the military point of view was the line of cleavage running down from Lake Champlain and Lake George to the headwaters of the Hudson and then to New York. In the Revolution, Burgoyne attempted to effect the cleavage right down through the center of the country. New York was in the possession of the British and Burgoyne was luckily stopped only a few miles before the British fleet, which had sailed up the Hudson. Again, in 1814, a definite attempt was made by the British to force that same line of cleavage. It is a historical fact that when the news of the Battle of Lake Champlain reached England about the 1st of November, 1814, it had a distinct effect on the British attitude toward a termination of the war. The commissioners were about to meet. If the British troops had obtained a victory on the land at Plattsburgh and the British fleet had been victorious, the British and the Canadians would have had access to Lake Champlain, Lake George, and the upper waters of the Hudson. The treaty of peace would probably have been far more difficult to secure if they had won. I hope very much that the committee will see fit to make this a national celebration. It should be a national celebration. Two States at least are intimately connected with it, but more than that, every State in the Union at that time was intimately connected with it, because it brought very largely to a close our last war with Great Britain. I believe that the expenditure of this money by Congress could not be considered a wasteful or extravagant act. To my mind that kind of expenditure does a vast amount of good all through the country.

STATEMENT OF MR. FRANCIS LYNDE STETSON, CHAIRMAN PLATTSBURGH CENTENARY COMMISSION.

Mr. STETSON. Mr. Chairman, as chairman of the Plattsburgh Centenary Commission it becomes my duty to make a few remarks to you in behalf of the bill before the committee. We are here appealing to the patriotic sons of the entire country to commemorate an event which is of national importance, and certainly the chairman of this committee—coming from the State which furnished the hero and the man who fought the next battle after this, New Orleans, which I trust also will be appropriately commemorated—should be interested. There we will celebrate the event and the man, but we

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will not celebrate the consummation of that event, because this was after the declaration of peace and after the treaty of peace was signed, but not known, because of the lack of speedy communication between England and America. The treaty of peace had been signed on Christmas eve, 1814, and the Battle of New Orleans was fought on the 8th of January, 1815, so those gallant lives were lost and that brilliant achievement made to the imperishable glory of the American people but without immediate consequence upon the events of the war between the two countries. That had already been decided. And what had decided it? This Battle of Plattsburgh, not the Battle of Lake Erie, because the war had continued for one year and three months after the Battle of Lake Erie. It was decided by the Battle of Plattsburgh, and for proof of that I appeal to the correspondence between Lord Bathurst and Lord Castlehurst, in which Lord Bathurst distinctly said that their plans had been entirely changed by those methods.

Now, what were those plans? It is not generally understood or known that that was in our moment of weakness. Our war had, up to that time, with the exception of a few individual acts of bravery, been one that was full of causes of mortification to our Nation, and our weakness had been shown at a time when England was weak, but now the revelation of that weakness was a great risk, because England had become strong. With the unexpected termination of the Napoleonic wars and the destruction of Napoleonic supremacy through the battles of Leipzig and Dresden in 1813, the English forces had been released, and they were prepared to continue the course they had already begun of sending their army to this country, and so confident were they at that time that now they must succeed completely in overcoming the United States that they were already engaged in arranging the terms of peace and the conditions of peace, and those conditions were far enough known to be a matter of consideration in this country.

The serious consideration was this: The British Government considered itself under obligations to the Indians and Tecumseh and his associates who had rendered them great assistance and had rendered us great annoyance, incidentally electing William Henry Harrison President of the United States because of his victory over Tecumseh. Owing to that assistance the British people felt that they must do something for the Indians and incidentally something for themselves, and the combined purpose found its outlet in the project of creating what is now the State of Indiana, with portions of Illinois and Ohio, as a neutral State which should be set apart for the Indians and which should be under the control of the Indians. Now, that was what was threatening this country. We may laugh at it now, but then it was no laughing matter. It was then seriously under consideration.

Now, what was it that stopped that project? The thing that stopped it, as Lord Bathurst's correspondence shows, was this victory in that bay, which is shown in this picture that I have here. He writes that "while we were expecting everything it looks now, in view of this late unfortunate occurrence on Lake Champlain, that we shall obtain nothing." When the Duke of Wellington was appealed to for advice, he declared, that, upon the best information received, they were not able to make good their entry to that territory. Now,

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that news reached England about the 15th of October and the treaty was signed on Christmas eve, and that thing was accomplished because of this battle. Therefore, as Admiral Mahan said, "this, more than any other, may be called the decisive battle of this war." There was no further naval engagement. There was an engagement the very next day at Baltimore, when the British troops, after burning the Capitol at Washington, went to Baltimore and made an attempt at Fort McHenry, which resulted in that glorious ode, our National anthem, Francis Scott Key's "Star Spangled Banner." If you take away the Star Spangled Banner there will not be much to celebrate of what happened in Baltimore. Still, he wrote the Nation's song, and it is worth it. All that it cost and all that you choose to give to Baltimore is properly given in recognition of that patriotic spirit which stimulates American character wherever it goes.

Now, I have endeavored briefly to show the importance of the event. I would like now to call your attention to the thrilling character of the scene itself. It appeals to me, because I was born there and my grandfather fought in that battle. I knew many of its survivors. Here on this map you will find the historic bay; here is the Saranac River entering the bay. This [indicating] is sometimes called Plattsburgh Bay, but generally Cumberland Bay. At that time the little town of Plattsburgh had a population of about 2,500, whereas it now has a population of 10,000. The frontier may be represented by the top of the map. Sir George Prevost, with 13,000 of Wellington's veterans, had arrived in July or August and proceeded up the St. Lawrence River to Quebec, and then marched down these two roads, down to what is known as Dead Creek. They came in two battalions. This battle was fought on Sunday, September 11. Five days before that, one column of Prevost's army, upon the 6th of September, had reached Culvers Hill. The other column was marching down at the left. Reaching there they were resisted. They were in charge of Lieut. Col. Willington, who was a cousin of the Duke of Wellington. They were resisted by a group of our people, our ancestors, in arms.

Five days before the battle Gen. Ralph Izard, against his protest, had been sent away with 10,000 troops to Oswego, leaving a few thousand men under the gallant Macomb, whose grandson is here to-day, to stand against these 13,000 troops of Prevost. They were rallied and added to by the general accessions of the country people back of the lake and from the south until there were about 5,000 or 6,000 coming to meet the advance. Gen. John Wool, whom I knew to be one of the bravest of our men, was then a captain in charge of another column. They resisted the advance of the troops under Lieut. Col. Willington, and he was killed, and they fell back to Halseys Corner, where they made another stand, and then again fell back. Here [indicating on map] they made another stand, where Gen. Brown had erected three forts, and there, Prevost not finding the support from his fleet as yet, they rested. In the subsequent endeavor to cross the river there was such a controversy that that river has ever since been known as the Bloody Saranac, because it was dyed with the blood of the people who perished there.

Now, we pass to what has happened. In the summer of 1813 Lieut. Smith, having taken two of the vessels that Macdonough had provided, went down to Isle aux Noix, and there suffered a repulse, and

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his two boats were lost, captured by the British. One of them, the largest, which formed a part of the fleet, was commanded by Capt. Downie. He proceeded up the lake, and at 9 o'clock on Sunday, September 11, 1814, rounded Cumberland Head and came to where you see the red ships on this map. There is present this most admirable gentleman, Mr. Averill, whose father was mentioned in the resolution thanking those gentlemen for their part of the battle, and giving the gun that had been captured by Gen. Macomb to one whose name is one of the most distinguished in the State of New York, A. C. Platt. I called on him in 1867, when I came to New York, and he was blind, and he said, "Stetson, I wonder if you are as good a Democrat as your grandfather was." I said, "You mean my father." He said, "No; your grandfather; they have all been good Democrats." And that is true to the present time.

So, he rounded here on this morning at 9 o'clock, and there he found Macdonough's fleet waiting for him. Now, Col. Roosevelt has well pointed out—I mean Col. Theodore Roosevelt in his history of the War of 1812, not the present Assistant Secretary of the Navy—that this was a battle in which an inferior force prevailed against a superior force, not as in Lake Erie—and I would not withdraw one of the laurels from the hero of Lake Erie—where the conditions were reversed. Macdonough had 14 vessels against 16; 86 guns against 95; 882 men against 1,000. He also had the disadvantage of the elements. The wind was then blowing from the west and as he lay there he could not retreat, he could not draw back toward the shore; he would have had to beat against the enemy's face to do it, whereas, the British could withdraw at any moment with a favorable wind, if they saw fit. He had this other disadvantage that if he moved to that western shore, Prevost's army and batteries being on the heights there, his fleet would be driven under the fire of the land batteries of the British. Indeed, I might say that this was one of the causes for which court-martial proceedings were instituted against Prevost when he returned to England, because he had not shelled Macdonough's fleet from the shore, the question being whether the army was within the range of the guns. Prevost died while the court-martial was pending and so nothing ever came from it.

Immediately as they came in range Macdonough opened fire on Downie. Downie did nothing until he had come near Macdonough, when he opened fire from his ship, the *Confiance*, on the *Saratoga*, and at the first fire he almost blew the *Saratoga* out of the water, destroying 40 of its men in that first fire. Before the battle had lasted 10 minutes Macdonough had been knocked senseless—now, I am talking about the man—by the shattering of the spanker boom which had struck against his head and knocked him senseless to the deck, but it did not knock him out. He arose and resumed the fight and again he was knocked senseless. The head of his gun was blown off and struck him and knocked him down senseless. Did he give up then? No. He resumed the fight. There is nowhere in the annals of war a hero such as he. As McMaster said in his history, "Now was the time for surrender." His whole ship was exposed on that side, without the possibility of return. The last gun had been broken and turned over into the hold.

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We have had bravery. Now for foresight. He had arranged what we call springs to a kedge anchor, which was thrown out here [indicating]. He gave the signal and the ship was turned and the other battery was brought to bear on the *Confiance* and he nearly blew her out of the water. Downie was killed and they hauled down the flag. The *Linnet* and the other ships dropped their flags and the battle was over. Prevost saw what had happened there and he surrendered.

That man was a hero, one of the greatest sea captains of his time, and, as Col. Roosevelt, Capt. Mahan, and Mr. McMaster all say, the greatest figure in our naval history until our Civil War.

Now, I would like to know if that is not something that should be lodged in the minds, in the affection, and in the memory of the American people? We have asked our legislature for $125,000. I have here letters from the governor of the State, the speaker of the assembly, the president of the senate, and the leaders in both houses, all asking that this be done. The National Government appropriated $250,000 for the Perry victory celebration. We feel that the States of Vermont and New York, both of whom unite here in presenting this cause, may properly ask for the same amount. How will we use this? Well, in part only for the celebration. We would be glad to have the whole of Congress come over, and we think it would be none too little for the Congress of the United States to take advantage of the opportunity and, either in a body or by its representatives, come to the celebration. I trust the chairman will be one, because we entertained him in New York for four years. I trust you will all be there, and I hope the celebration will be as much of a success as was the centenary of the Battle of Lake Erie one year ago.

We think that where the head of the Cumberland Lighthouse is now there should be a big lighthouse, such as will be at Crown Point, where France will erect the monument "La France." We feel that a monument should be placed right at the site of the engagement. On the other side, right at the mouth of the river, there is a beautiful site which is appropriate for the purpose, and there, we think, the State of New York and the Federal Government should unite in building a monument to the combined service, the Army and the Navy, embracing a recognition of the efforts, if not the achievements, of the army under Gen. Macomb, who did all they could for their country. They did their duty as well as they possibly could. They had a few thousand volunteers compared with the regulars of Wellington's.

Our friends in Vermont very properly ask that there should be recognition given them, because Macdonough's fleet was built on Otter Creek near Vergennes. Vergennes was a city before there was any other city in that section. It was named after Benjamin Franklin's friend Vergennes. I remember the story that was passed on the streets. One day a fellow said, "Why is Vergennes a city?" And the all-wise fellow said, "You know that under the Constitution of the United States every State is entitled to one city, and Vermont built Vergennes." Burlington is queen city of Vermont, but Vergennes is the main city. It has the advantage of being the site of this victory, and that is their claim for recognition.

The CHAIRMAN. We are very much indebted to you, Mr. Stetson.

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Mr. STETSON. I would like to present to you this little pamphlet which embodies the story of the battle of Plattsburgh in concrete form.

Senator DILLINGHAM. I suppose those letters should go in the record as a part of your address.

Mr. STETSON. This is the official pamphlet of the centenary commission.

Senator DILLINGHAM. I was referring to the letters from the governor of the State and various officials that you mentioned.

Mr. STETSON. Well, I think they are all addressed to Senator O'Gorman and not to me. If he feels that they should go in the record, I am entirely willing to put them in.

(The pamphlet referred to is as follows:)

THE BATTLE OF PLATTSBURGH—WHY ITS CENTENNIAL IS TO BE CELEBRATED.

Upon Sunday, September 11, 1814, at 20 minutes past 11 o'clock in the forenoon, the United States of America became established as a world power. Among the events which compelled such recognition none is more important than the decisive naval victory won by Commodore Thomas Macdonough on that fateful day on the waters of beautiful Champlain, at Plattsburgh.

No other naval battle in our history has had a more profound effect upon our country's destiny. The influence since exercised by America in the world's progress in large measure may be traced to it.

The heroism and sacrifices signalized then and also often during our struggle for independence, as well as in later days, served to show to mankind what could be achieved by the individual inspired by patriotism and struggling to establish human rights as conceived by the forefathers of this Republic.

Great as were the victories won by American heroes in previous naval engagements they fell short of the decisive importance which history has awarded to the final and complete victory that settled forever the momentous conflict in the Western Hemisphere.

This crowning achievement of our Navy was accomplished by Macdonough. Thereafter the supremacy of democracy and the progress of its ideals and purposes in our country were never again contested by any foreign power. Their influence, which has spread throughout the world, has become the leaven of progress everywhere in the struggle for human rights, and nations, at that time hostile to their existence, long since have come to recognize them as potent factors in their own national lives.

Thus we find warrant for the honor our Nation and the State of New York are about to pay to the memory of this devout Christian gentleman—this naval hero first distinguished at Tripoli, this zealous young patriot—who on September 11. 1814, near Valcour, where the British had won the first naval battle between fleets of English-speaking nations, led an American fleet to victory in the last naval battle between English-speaking nations.

Recalling the well-night insurmountable obstacles overcome by him in building and equipping his fleet, and his model report to his Government, we are impressed with his modesty and with the humility and reverence of his mind and also with the traits possessed by him in common with so many other great American patriots from Washington to Lincoln, an abiding trust in Almighty God, courage, resourcefulness, determination, generosity, and magnanimity of spirit.

At the close of the battle his message to the Secretary of the Navy was:

"SIR: The Almighty has been pleased to grant us a signal victory on Lake Champlain in the capture of one frigate, one brig, and two sloops of war of the enemy."

No boasting of what he or they had accomplished, although the building, equipping, and manning of an efficient fleet within eight months in a wilderness, was little short of a miracle.

Lake Erie showed the advantage of having the odds on our side; Lake Champlain, that skill, calm calculation, and preparedness can offset odds on the other side.

Perry's brilliant victory, September 10, 1813, snatched as if by magic from the jaws of defeat, was an achievement of high order which well merited its

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patriotic celebration by State and Nation during the past year, and the splendid permanent memorial now being erected. Yet, important as it was, that victory did not end the war, but was followed by some of our most humiliating reverses.

Encouraged by her subsequent victories at different places, Great Britain planned an invasion from Canada, confident that its success would end the war in her favor and possibly would reestablish British rule in the United States.

In pursuance of this plan the British Army, outnumbering ours four to one, marched upon Plattsburgh, and a superior British fleet, cooperating with the land forces, came up the lake from the north. These in combination were to crush out all opposition by destroying the American fleet on Lake Champlain and by capturing or scattering our land forces in the Champlain Valley. Thereupon the British Army was to proceed up the Champlain and down the Hudson to New York City, which it was planned to capture in cooperation with another strong British fleet.

Macdonough's victory in Cumberland Bay, resulting in the destruction or capture of the entire British fleet, not only prevented the projected advance of the enemy, but caused the British Army to return to Canada to escape like disaster.

The event was decisive, and the treaty of peace was signed three months thereafter, on Christmas eve, 1814.

The same patriotic feeling that actuated the Nation in celebrating and commemorating the victory of Perry at Put in Bay impels it in equally impressive manner to celebrate and by a fitting memorial to perpetuate the victory of Macdonough at Plattsburgh.

Due recognition and honor for events and men great in our Nation's history attest and measure the greatness of the present. They supply inspiration and incentive for still nobler achievements.

No fitting expenditure can be deemed amiss which tends to stimulate patriotism and deep appreciation of worthy deeds which made possible the Nation's existence and gave nobility to its national life.

The Plattsburgh Centenary Commission has been appointed by the State of New York to "plan and conduct in the month of September, 1914, an appropriate public celebration of the centenary of the Battle of Plattsburgh." The battle was fought on September 11, 1814, and the centennial celebration will be held September 6 to 11, 1914.

THE BATTLE.

The Battle of Plattsburgh was fought both on the land and on the lake.

Prevost had a crack army of 14,000 veterans, while Macomb had comparatively a mere handful of men. It was the purpose of Prevost to aid Downie by a land attack simultaneous with that on the water.

The British fleet, which was superior to the American squadron, consisted of 16 vessels, carried 95 guns and had about 1,000 men. The American flotilla consisted of 14 vessels of all classes, carrying 86 guns, with 882 men. Fire was opened by the Americans. It was returned by the British *Confiance*, but not until after she had come to anchor about 300 yards from the American line. Her first broadside killed or wounded 40 men, one-fifth of the force of the *Saratoga*. The engagement then became general. In an hour the whole starboard battery of the *Saratoga* was disabled. However, owing to the masterly prevision of Macdonough, she was enabled to swing around and to bring her port guns to bear upon the *Confiance*. This vessel also suffered severely. She lost her commander, Downie, and struck her flag after two and a half hours' fighting. The remainder of the British force were either taken or put to flight.

The British loss was about 200, including prisoners; the American, killed and wounded, 112. The British lost all but 20 of the 95 guns they brought into action. Macdonough was twice knocked senseless.

ERIE, CHAMPLAIN, TRAFALGAR.

"But it will always be a source of surprise that the American public should have so glorified Perry's victory over an inferior foe and have paid comparatively little attention to Macdonough's victory against decided odds in ships, men, and metal. * * * Lake Erie teaches us the advantage of having the odds on our side; Lake Champlain, that, even if they are not, skill can still

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counteract them." (Roosevelt in his "Naval War of 1812," describing the "Battle of Lake Erie.")

Comparison with the battle of Trafalgar is similarly interesting.

Lord Nelson's victory ended Napoleon's scheme for an invasion of England; Macdonough's victory ended the British scheme to regain her lost colonies by an invasion of New York and the cutting off of New England from the rest of the States. Nelson and Macdonough each fought a superior foe and each defeated his adversary with unsurpassed valor and courage.

Midshipman Lee, in a letter to his brother, after the Battle of Plattsburgh, said: "There is one of our marines who was in the Trafalgar engagement with Lord Nelson who says it was a mere flea bite in comparison with it."

OBJECT OF INVASION.

"From information received and corroborated by the movements of the enemy, there is sufficient grounds of belief that one great object of his campaign was to penetrate, with his northern army, by the waters of Lake Champlain and the Hudson, and, by simultaneous attack with his maritime force on New York, to form a junction which should sever the communication of the States." (Gov. Tompkins in his address to the New York Legislature Sept. 27, 1814.)

In his general orders on September 14, after alluding to the designs of Prevost (the British commander) Gen. Macomb said: "He brought with him a powerful army and flotilla—an army amounting to 14,000 men, completely equipped and accompanied by a numerous train of artillery, and all the engines of war—men who had conquered in France, Spain, Portugal, the Indies, and in various other parts of the globe, and led by the most experienced generals of the British army. A flotilla, also superior to ours, in vessels, men, and guns, had determined at once to crush us both by land and water."

"It was evident, notwithstanding that the release thereby of a large British army from service on the Continent would enable the common enemy to send an overwhelming force across the Atlantic that might crush the American armies and possibly reduce the States to British provinces; their hopes and the limit of their wishes doubtless were that the changed aspect of foreign affairs and the consciousness of the great peril that might reasonably be apprehended would cause the administration to seek peace on any terms. They were mistaken, as the sequel will show." (Lossing's description of the Federal party's actions in his introduction to the invasion of the northern frontier by the British in the War of 1812—"Field Book of the War of 1812." p. 855.)

THE BATTLE'S IMPORTANCE.

"This lake, which had hitherto played but an inconspicuous part, was now to become the scene of the greatest naval battle of the war." (Roosevelt in his "Naval War of 1812.")

"The gallant Macdonough, with a much smaller force in men and guns than his antagonist, had by his skillful dispositions and brave defense, won an important victory and completely disconcerted a deep-laid scheme of invasion." (Charles Morris in the "Great Republic," Vol. III, p. 45.)

"To view it in abstract, it is not surpassed by any naval victory on record. To appreciate its result, it is perhaps one of the most important events in the history of our country." (Secretary of Navy Jones to Hon. Charles Tate, chairman of the Naval Committee of the Senate, Oct. 3, 1814.)

"'Tis not alone the brilliancy of your victory in a naval view, but its importance and beneficial results that will fix the attention and command the gratitude of your admiring country." (Secretary of Navy Jones to Commander Macdonough, Sept. 19, 1814.)

"The country generally placed this victory by the side of that of Lake Erie. In the Navy, which is better qualified to enter into just estimates of force and all the other circumstances that enhance the merits of nautical exploits, the Battle of Plattsburgh Bay is justly ranked among the very highest of its claims to glory." (Cooper in his "History of the War of 1812.")

"Macdonough in this battle won a higher fame than any other commander of the war. British or American. He had a decidedly superior force to contend against, the officers and men of the two sides being about on a par in every respect; and it was solely owing to his foresight and resource that he won the victory." (Roosevelt in "Naval War of 1812.")

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"With the repulse of the British at Plattsburgh ended the most important military operations on the northern frontier of New York. Peace came a few months later." (Lossing in Harper's Weekly, 1864.)

THE VICTORY DECISIVE.

"The Battle of Lake Champlain, more nearly than any other incident of the War of 1812, merits the word 'decisive'—decisive not merely in relation to immediate military results, but in relation to political questions involved in the pending negotiations for peace." (Capt. A. T. Mahan, U. S. N., in his "Sea Power in its Relations to the War of 1812.")

"As long as illustrious events shall be embodied in history, so long will the victory on Lake Champlain, obtained under your auspices, command the respect of mankind." (Mayor DeWitt Clinton, of New York, to Commodore Macdonough at a dinner given in the latter's honor some weeks after the battle.)

"The splendid triumph obtained by the squadron under your command over a superior British force has secured to you an imperishable name in the annals of the age. * * * At no period of the late eventful contest were consequences so important dependent upon the fate of battles. A numerous and well-appointed army of the enemy, composed of veteran troops, led by experienced generals, and flushed with request conquests, penetrated our northern frontier, and by the aid of a formidable naval armament threatened to advance into the bosom of our State. The storm of war was collected in one cloud and its course directed to one point. In that awful moment of suspense every hope was fixed upon your efforts to avert its fury, and the most sanguine expectations of your country were more than realized. By a masterly position you compelled the hostile fleet to approach your moorings to certain disadvantage. By the precision of your fire, the promptness of your maneuvers, the discipline and spirit you had infused into your crews, and by your undaunted and deliberate valor, you gained a victory as signal, as decisive, and as important as any inscribed upon the naval pillar of your country. You captured and destroyed almost the whole of the adverse squadron—you compelled the invading army to retreat—you saved our territory from rapine, our border dwellings from pillage and destruction—their inhabitants from banishment, captivity, or death." (Assemblyman William A. Deur in an address to Commodore Macdonough at Hartford, Conn., Feb. 13, 1817, on the occasion of the presentation of a sword voted to him by the State of New York.)

"That the thanks of Congress be, and the same are hereby, presented to Capt. Thomas Macdonough, and through him to the officers, petty officers, seamen, marines, and infantry serving as marines attached to the squadron under his command for the decisive and splendid victory gained on Lake Champlain on the 11th of September, 1814, over a British squadron of superior force." (Portion of resolution expressive of the appreciation of Congress of the gallant conduct of Capt. Macdonough and his men, in awarding them gold and silver medals after the victory on Lake Champlain.)

"The fight in Plattsburgh Bay was undoubtedly the greatest naval battle of the war, and the victory stamped Macdonough as the ablest sea captain our country produced down to the Rebellion." (From "History of the People of the United States," by John Bach McMaster, Vol. IV., p. 68.)

A CELEBRATION FOR ALL.

The decisive result of this battle naturally and justly occasioned special rejoicing in the valley of Lake Champlain and in the Hudson Valley, thus relieved from war and from its horrid alarms. Naturally and justly, also, this result was of momentous consequence to the whole country, particularly the Middle West, for it quieted forever the pending proposal to carve a neutral State out of territory now including the State of Indiana.

In a larger and continuing significance the result also is justly an occasion for present general satisfaction on both sides. In the past year the Gettysburg semicentennial has brought to many on either side the vain regret that the decisive character of that titanic contest could not have been recognized without delay and further useless loss of life and blood. As prolongation of the unhappy War of 1812 would have brought neither joy nor glory, all may now rejoice that the Battle of Plattsburgh was of final importance, and that it was then so regarded by the peace commissioners.

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The magnanimity of Macdonough toward the memory of the gallant Downie and his fallen comrades has governed the people of Plattsburgh who have honored and kept green their graves, annually including them within the tributes of Decoration Day.

Without, then, disparaging the valor of the forefathers who here "jeoparded their lives in the breach," everyone, everywhere, may rejoice over the Battle of Plattsburgh and its final contribution to a century, and it may be hoped to a millenium, of international peace.

PLATTSBURGH CENTENARY COMMISSION.

Francis Lynde Stetson, chairman, 15 Broad Street, New York City.
Thomas F. Conway, vice chairman, 32 Nassau Street, New York City.
James A. Foley, chairman executive committee, 261 Broadway, New York City.
Loren H. White, treasurer, Delanson, N. Y.
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Alexander W. Fairbank, M. D., Chazy, N. Y.
Franklin D. Roosevelt, Assistant Secretary of the Navy, Washington, D. C.
Henry M. Sage, Menands, N. Y.
Rev. John P. Chidwick, D. D., St. Joseph's Seminary, Yonkers, N. Y.
Henry W. Hill, 471 Linwood Avenue, Buffalo, N. Y.
Howard D. Hadley, assistant secretary, Plattsburgh, N. Y.

Senator DILLINGHAM. Mr. Chairman, we have a Vermont committee here this morning the head of which is the Rev. Father Vezina, of Vergennes.

Dr. VEZINA. I yield to Mr. Stone. He will speak for the Vermonters.

STATEMENT OF MR. GEORGE W. STONE, PRESIDENT VERMONT-MACDONOUGH MEMORIAL COMMISSION, VERGENNES, VT.

Mr. STONE. Mr. Chairman and gentlemen of the committee, Vermont and New York have been neighbors for a good many years. There never has been a time, perhaps, when the representation of Vermont and New York has felt more neighborly than this morning in the cause in which we are both interested. Vermont is a modest State, and perhaps the part we played in the Battle of Plattsburgh was a somewhat modest one. As Mr. Stetson has indicated, Macdonough's fleet was built on Vermont soil, of Vermont trees, cut in Vermont wilderness, the work of building it was done largely by Vermont workmen, and in the battle itself Vermont volunteers took an important part. We therefore are perhaps, in proportion of the size of the State as compared with New York, equally interested in the outcome of this bill that has been presented in the Senate and has come before this committee. The fleet was built at Vergennes on the Otter Creek, a name that we do not like very well, because it is the largest river in Vermont and worthy of a better name than "creek." But for historical reasons the name seems to have remained. The ships were built during the winter and with a great deal of dispatch and speed, and equipped with

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guns and ammunition that was in large part manufactured at Vergennes. In the spring an attempt was made by the British to bottle up this fleet in the river somewhat in the way that a more recent bottling act was accomplished, at least with some success, although in this 1812 episode no success attended the efforts of the British, by reason of the brave resistance of Lieut. Cassin at the small fort at what was called Fort Cassin at the mouth of the river.

Briefly, the fleet emerged into Lake Champlain and the battle was fought as Mr. Stetson has indicated. As I indicated at the outset, Vermont is modest but we are enthusiastic. We heartily indorse the position that New York takes in the matter. We feel that Lake Champlain is altogether too little known among the present-day citizenship of the United States. It is astonishing, I think, to find how many people know so very little about Lake Champlain. Now, Lake Champlain is the largest lake that is entirely in the United States. It is probably the most beautiful lake in the United States, as it is without question the most historic lake in the country. We feel that fit recognition should be given to Lake Champlain, and for that reason, as well as the others that have been mentioned, Vermont stands by the side and in back of New York.

The CHAIRMAN. We will be glad to hear from anyone else, from New York or Vermont.

STATEMENT OF HON. THOMAS F. CONWAY, CHAIRMAN EXECUTIVE COMMITTEE, PLATTSBURGH CENTENARY COMMISSION.

Mr. CONWAY. Mr. Chairman, I perhaps ought not to intrude my views at this late moment, because the historic event that we all seek to celebrate has been so well described and its effects and results on our history have been so forcibly stated by the gentlemen who preceded me that I would not attempt to take a moment of your time except for the fact that what I have to say springs more from personal motives, although I am a member of this commission, and is largely prompted by the fact that the Champlain Valley was and is my home. I was there brought up. I believe there is not a nook, a corner, nor a portion of its history with which I am not familiar. Three or four years ago the early history of that locality in its colonial times was celebrated in a most impressive manner, and largely celebrated at the expense of our State, the State of New York. As the Chairman well knows, in colonial times the Champlain Valley was the contending point of differing civilizations, and the English form ultimately prevailed. Later it became the home of democracy.

Recognizing those facts, the State of New York appropriated some years ago the sum of $125,000 to celebrate the events that took place there in colonial times, particularly on account of their great effect in developing our civilization in State and Nation later. The United States Government was not then appealed to to any great extent, but the sum of $20,000 was contributed to pay the expenses of distinguished guests from Washington and abroad who honored us then with their presence, and our sister Republic of France took such an interest in the matter that she contributed that most magnificent work of art, La France.

Now we come to the point when something of modern importance, something of a more immediate effect upon our history, is needed.

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We think, having stood the test of an analysis of 100 years of its effect not only upon York State but upon the history of the country, that the event should receive a fitting celebration and that there should be placed there a memorial that for all time will direct the mind of the youth of this country to an event of tremendous importance to the country, and to the courage and heroism there displayed. If I thought that this celebration meant simply a gathering of distinguished men and a week's exchange of views, I should not have devoted one hour of time to the matter; neither do I believe the distinguished chairman of the commission would have done so. But believing that it is of great importance, and believing that the time has come in our history, after a hundred years, when we should analyze and place events in positions of relative importance to our history and our future, we find that here was one at least that met every test.

There is not a historian of our country, there is not a man who knows the facts, that does not believe that the results of that engagement were among the most important in their effect upon our history. As the chairman has said, no one wants to disparage or minimize the great victory of Perry at Put in Bay. The State of New York, least of all, does not want to minimize it. But yet we can not forget the fact that historians have commented upon, that there the advantage in men, in arms, and in ships was all on our side. In Champlain they were all against us. That shows what valor and determination can accomplish even under adverse circumstances.

In connection with the victory of Macdonough there is a patriotic feeling that wells up in the hearts of everyone who thinks of it. Away back in the early days the first naval battle among English-speaking peoples took place within 3 miles of where Macdonough's victory took place. We were then defeated, but later on we reversed the situation. As I said before, New York State does not assume to minimize the Perry victory. Our State contributed to the celebration of that event in a fitting manner the sum of $150,000 by act of legislature. That was appropriated for the purpose of celebrating the anniversary of an event which did not take place within the borders of our State, but within the waters adjoining them.

Recognizing the importance of such a celebration and recognizing the importance of placing memorials of great historical events where they will be expressive of our national appreciation, we think we should participate in this celebration and make it a national celebration. The State of New York will generously aid in this celebration, and I say to you, Mr. Chairman, that if my section of the State was as rich in wealth or material things as it always has been in patriotic impulses and readiness to give, whether it be their blood or treasure, for public purposes, we would not be here, at least would not be here seeking aid from the National Government. We are largely an agricultural community. There are no large cities from which we can draw aid and assistance as we could in the Perry celebration, surrounded as it was by its wealth of resources. We are a farming population largely, and so is our sister State Vermont, to a large extent, and most of what we leave up there when we pass away is a reputation. The father leaves perhaps enough for his family to live on, perhaps it is not very large. You will find there in our system of graded schools, our normal schools, our churches,

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and in our charitable institutions the evidences of where our surplus wealth has been invested, and you will find that intelligence and patriotism have resulted from that method of expenditure. We have not enough left to properly memorialize this great event. There is not an institution in which our civilization to-day finds its best inspiration that does not flourish there.

Now, we appeal to Congress because we are poor in that sense. We have a great Catholic summer school located within a mile of this place. We have across the lake in the city of Burlington the University of Vermont, one of the best institutions of learning in this country, so that within a brief circle of this spot more young minds are being formed and more characters are being formed than in any other similar circle in the United States.

It is a very striking and singular thing—of course, this does not relate to the centenary commission—that when I go to New York, Washington, or elsewhere, this battle and all it meant, the sentiment attached to it, and its lessons, which are interwoven with the very lives of the young men and young women of that valley, outside are practically unknown. It is to correct that, among other things, and to place there for all time to come a monument that will not only perpetuate the past but will point out the way in the future that we appeal to Congress to extend to us a helping hand to enable us to carry out that object. It is pretty hard to explain when you endeavor to tell the youth of our country up there of the lessons to be learned from those times, when they say, "Why is it that it has not been commemorated? Why is it that it has been neglected?" Of course, our answer would be, "We lack the wealth to supply what ought to be supplied to erect a fitting and proper memorial."

And, Mr. Chairman, that is why we are here. I regret I had to take so much of your time, but I wanted to give you a little local color and some of the motives that prompted me to come here and address you on this subject. We also realize the fact that to Vermont, too, is due credit for what took place at that time, and she should receive credit with us in whatever assistance Congress may give us.

STATEMENT OF HON. FRANK L. GREENE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VERMONT.

Mr. GREENE. Mr. Chairman, I do not appear here as a member of the Vermont commission, but as one who is very happily connected with it, because its interests are mine, too. I dare say that having had such a splendid exposition of the historical importance and the sentimental associations which commend this enterprise to Congress, it may be proper to perhaps suggest one other phase of it that, while it has no strong weight as an argumentative proposition, nevertheless it is to my mind very closely associated with this very peculiar historical event which we seek to celebrate. I think, although I have never seen the idea brought out upon some substantial authority, you are going to agree with me, after listening to the eloquent detail of the battle by Mr. Stetson, that it was perhaps the most unique battle in some respects in the history of the country, because, in the first place, it was a combination of land and naval forces, on the one hand,

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which is an unusual combination to fight a battle anywhere. In the second place, it is unique because it was the opposition of an unorganized and untrained democracy against the trained troops, seamen and landsmen, of Europe, and the untrained men won the victory. That was what we may call in our offhand way a neighborhood battle between the people of Vermont and New York on the one hand and the British regulars on the other. Our fathers and grandfathers went into that battle, leaving aside the ax, scythe, and plow, and went over to fight a neighborhood fight, and after the fight was over they came back to the farms and again took up the ax, the scythe, and the plow. That is one of the reasons why it has never received the distinction in history that it would have had if it had been a meeting of distinguished organized forces on both sides. It was simply treated by our people as an obedience of the first law of nature, and they left the peaceful occupations that they were hoping to continue and went off to fight, and then came right back again and never celebrated their own victory and their own glory.

From time immemorial—at least as far as we regard it in this country—that grand old Lake Champlain, true to its name, had been the gateway to this country, and those men of 1814 were simply doing what their ancestors had been doing every now and then during the bloody days in the history of the wilderness from the time when the white man first taught the Iroquois the sound of gunpowder, and the sound of gunpowder has been echoing down through all the years since then in the history of that section of the country. I want to suggest that in so far as the State of Vermont is concerned in this matter, she recognizes with great respect and great pride that the celebration is destined to be in every respect a New York State affair, so far as its broad outlines are concerned. We only suggest that in as much as we furnished the shipyard, and our men built the ships, manned the vessels, and joined with the land forces in great numbers, that we are not immodest in asking Congress to officially recognize the fact that our little Green Mountain State had a finger in it too. And that being conceded, of course, it must follow that in order to enable us to carry on our part of this celebration, which we design to have on the site of that old shipyard and that old arsenal where the powder was manufactured and the shot was cast, we should have from Congress a modest sum for that purpose.

The CHAIRMAN. What amount has the State of Vermont appropriated?

Mr. GREENE. I may say by way of explanation that the State of Vermont did not originally consider this as a national celebration. At first we intended merely to have a little celebration in the city of Vergennes, to erect a tablet memorial, and the legislature appropriated $4,000 for that purpose. After our legislature was through and had gone away, the idea occurred to us that with the aid of our great neighbor we might have a national celebration, wherefore our people regretted that they had only planned a little celebration. Learning, too, that our friends were disposed to give us a share in the program, we now feel that we may supplement what we have already raised. The city of Vergennes has contributed $1,000 to add to the State's $4,000, and we are asking Congress now to allow us to partici-

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pate with New York, perhaps by an amendment to this bill to give us $15,000. The New York commission is quite willing that we should have that allotment of the sum.

The CHAIRMAN. We are very much obliged to you, sir.

STATEMENT OF REV. JOHN P. CHIDWICK, D. D., YONKERS, N. Y.

Dr. CHIDWICK. Mr. Chairman, there is a phase of the matter that has not been brought up as yet. I think we all recognize at the present time that there is a general disposition to do away with the memories of war and, so far as it is possible, to do away with war itself, and it is possible that just such a sentiment will interfere with a celebration of this character.

While, of course, it may be unfitting for me, as a clergyman, to advocate anything in any way outside of that spirit, which seems to be so widely prevalent, still, I believe that when God gives us a country to protect we are unworthy of that country if we do not protect it, and the battle which we wish to memorialize was a decisive battle in a war for the protection of our country and to make it a free and independent country, such as all the nations of the world came to recognize it after the War of 1812. I think, down to the War of 1812, England looked upon us as a wayward child that needed a spanking to bring it home. It was the War of 1812 that decided our position and gave us our standing in the world. The war was brought about because we were forced to defend our rights and to teach our children the lesson that while we deprecate war and while we are thoroughly in sympathy with the spirit of the times which counsels the doing away of the useless slaughtering of human life, still, if God has given us a country to protect, we are unworthy of that country if we do not protect it. The War of 1812 was such a war for our protection.

Now, there is another phase of the matter. I remember during our Spanish-American War the kindness that was shown by our officers to the Spanish officers who were taken prisoners. We had the first prisoner of the war and he was brought on board our ship. We took him at Matanzas. He sat at our table and we talked with him about the war and treated him most courteously. He was very much surprised; he did not know what had happened. He was anxious to see his wife and child. He had been on furlough to see his family and had not heard of the war, and we took him on board ship and held him as a prisoner, much to his surprise. Afterwards we sent him to Admiral Sampson and the admiral sent him ashore with a flag of truce.

That was a beautiful sight. It was also a striking thing at Santiago when Admiral Phillips said to the sailors, "Don't cheer, boys; those poor fellows are dying." These are all sentiments in the history of our modern wars. But there is not a more beautiful sentiment—teaching us to govern our passions, our resentment, and our anger and to look upon all those with whom we are at war with pity—than the sentiment of Macdonough, who, the previous day, had prayed to God for victory and after the battle sent word to Washington that "In the providence of God, the victory has fallen to us to-day," and then the next day he gathered the dead of the English and American Armies and laid them together to rest on the hillside in token of

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the peace that he wished to exist between the two great peoples of the world.

To-day we are, of course, wishing that all English-speaking peoples should be united; that is the wish on this side and on the other side. And where can we put a monument that will speak more eloquently that sentiment than on the spot where Macdonough, in his moment of victory, gathered together those whom he had fought and placed them side by side with his own men on the hillside? I believe that the people of Plattsburg, every Decoration Day, have gone out and decorated those graves.

Why should this sentiment in any way act against the proposed celebration? Why should the sentiment of doing away with all things and memorials of war contradict this sentiment: That here, if every volume of the records of the war tragedies of the world is closed, is the concluding chapter, the last and most glorious chapter, where people who fought, and fought like tigers, during the moment of conflict, still were so Christianlike and so brotherlike that after the battle they were gathered together and laid to rest and honored by both peoples year after year on their Memorial Days.

So, Mr. Chairman, I hope that this sentiment which might perhaps militate against this movement might not be permitted to do so, and I do sincerely hope that the movement will take on that national character, because while we love peace and deprecate war we must insist upon our people remembering this: That hateful as war may be, there are some circumstances when it is perhaps necessary; that the robber, the thief, the invader, the unjust man must not triumph; that justice must triumph, right must triumph, God must triumph, principle must triumph, and for us not to protect and defend what is right and what is God-given renders us unworthy to be called Americans and Christians.

And, Mr. Chairman, it is to perpetuate that sentiment that we ask for this contribution from our National Treasury to aid us in this celebration.

The CHAIRMAN. I regret very much that my colleagues on the committee were unable to be present and hear the statements that have been made, but the hearing has been taken down, and the other members of the committee will read it.

(Mr. W. E. Parkhurst, of Plattsburgh, N. Y., presented a petition signed by numerous residents of the city of Plattsburgh and vicinity, respectfully urging the making of a suitable appropriation for the celebration and a permanent memorial to commemorate the victory of Macdonough and Macomb at the Battle of Plattsburgh on September 11, 1814.

Mr. Howard D. Hadley, of Plattsburgh, N. Y., appeared on behalf of the Trades and Labor Assembly of Plattsburgh, N. Y., and presented the following letters:)

TRADES AND LABOR ASSEMBLY,
Plattsburgh, N. Y., March 9, 1914.

Mr. HOWARD D. HADLEY,
% Senator O'Gorman, Senate Office Building, Washington, D. C.

DEAR MR. HADLEY: In response to your letter of the 7th instant, addressed to Mr. Edward Werner, president of our Trade and Labor Assembly, we beg to assure you that the project of the centenary celebration here next September meets with the hearty approval of our organization without dissent of any

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kind. The great importance of the event historically, and the expectation of the vast crowds of representative people it will bring here, tend to make it one of the greatest celebrations in the history of this great Nation. As we are unable conveniently to send a delegate in person to represent us at this meeting on Thursday if you see fit we wish to authorize you to speak for us there at such meeting, with this letter as authority for such course. With sincere good wishes from our whole organization for the best success of this undertaking, we remain,

Yours, truly,

EDWARD W. WERNER,
President of Committee.
B. S. MORRILL,
Secretary of Committee.

CADYVILLE, CLINTON COUNTY, N. Y., *March 9, 1914.*

Mr. H. D. HADLEY,
Assistant Secretary Plattsburgh Centenary Commission,
Plattsburgh, N. Y.

MY DEAR MR. HADLEY: Yours of the 7th instant is at hand.

I am sorry we did not know of the hearing at Washington at the time of our Pomona meeting last Thursday. We would have liked to have sent a representative. But it is impossible on such short notice.

However, I deputize you to represent the Pomona Grange, of Clinton County, N. Y., at the hearing. I will stand behind you and support you as we are all deeply interested in this movement to bring about fitting recognition of the Battle of Plattsburgh, one of the real decisive battles of our history.

Yours, very respectfully,

W. S. WHITE,
Master Pomona Grange, of Clinton County, N. Y.

PLATTSBURGH, N. Y., *March 10, 1914.*

HOWARD D. HADLEY,
Hotel Willard, Washington, D. C.:

The Women's Civic League wish to acknowledge your letter and say that we deeply regret not being able to send a representative to the meeting Thursday. We wish you the best success and will do everything in our power to further the interests of the celebration.

MARIE P. BOOTH,
President Plattsburgh Women's Civic League, Plattsburgh, N. Y.

LETTERS TO SENATOR ELIHU ROOT.

The CHAIRMAN. The following letters addressed to Senator Elihu Root will be incorporated in the report of the hearings:

ASSEMBLY CHAMBER, STATE OF NEW YORK,
Albany, March 10, 1914.

Hon. ELIHU ROOT,
United States Senate, Washington, D. C.

DEAR SENATOR: Even in these days, when in the State of New York we are striving at economy, all seem to be agreed that a bill should be passed in the legislature this year, and approved by the governor, appropriating $125,000 toward the Plattsburgh Centenary Celebration. This must be done, if at all, this year, as the hundredth anniversary is to be celebrated on September 11. New York State is more interested than any other, but it is of course a national proposition as well, and we are making our appropriation at this time feeling that the Federal Government will do its share, just as it did with reference to the Perry celebration.

I have been requested to write you by Mr. Howard D. Hadley, assistant secretary of the Plattsburgh Centenary Commission, urging you to do what you can to provide a Federal appropriation.

With kind regards, I am, very sincerely, yours,

HAROLD J. HINMAN.

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ASSEMBLY CHAMBER, STATE OF NEW YORK,
Albany, March 9, 1914.

Hon. ELIHU ROOT,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: The State of New York proposes to appropriate $125,000 for the celebration of a permanent memorial commemorating the Battle of Plattsburgh.

In company with Chairman Francis Lynde Stetson and Assistant Secretary Hadley, of the Plattsburgh Centenary Commission, I saw Gov. Glynn this morning, and he has agreed to sign the bill. The bill is now in the senate finance committee, and Senator Frawley has agreed to report it out at once. It will be passed promptly by the senate. Speaker Sweet, Majority Leader Hinman, and Minority Leader Smith are all heartily in favor of the bill, and there is not the slightest doubt but what it will become a law within a few days.

New York State hopes and expects that Congress will do as well for its memorial commemorating Macdonough's victory as was done for Perry's victory.

With high respect, I remain, very truly, yours,

A. MACDONALD,
Chairman Committee on Ways and Means.

THE SENATE OF THE STATE OF NEW YORK,
Albany, March 10, 1914.

Hon. ELIHU ROOT,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: The legislature of this State is now putting through a bill appropriating $125,000 for a celebration and permanent memorial commemorating the Battle of Plattsburgh.

The bill has been introduced in the senate by Senator Foley and is now in the senate finance committee, and Senator Frawley has agreed to report it out at once. It will be passed promptly by the senate. Gov. Glynn has agreed to sign the bill. Speaker Sweet, Majority Leader Hinman, and Minority Leader Smith are all heartily in favor of the bill and there is not the slightest doubt that it will become a law within a few days.

We hope and expect that Congress will appropriate the same amount for the memorial commemorating Macdonough's victory as was done for Perry's victory, viz, $250,000.

With warmest personal regards, I remain, very truly, yours,

JAMES A. EMERSON.

ASSEMBLY CHAMBER, STATE OF NEW YORK,
Albany, March 9, 1914.

Hon. ELIHU ROOT,
Washington, D. C.

MY DEAR SENATOR: I beg to address you at this time in the interest of a bill pending in Congress known as Senate bill No. 3662. Our State is about to appropriate, for the celebration of the centenary of the Battle of Plattsburgh, $125,000. I am reliably informed that the governor is favorably committed to this bill, and it is exceedingly necessary that Congress take prompt action on the measure providing Federal assistance in this celebration that the plans and specifications may be made at the earliest date possible that the undertaking may prove a success.

May I ask for your support and the best efforts for an early and favorable consideration on this measure, and remain,

Yours, very respectfully,

T. C. SWEET.

LETTERS TO SENATOR JAMES A. O'GORMAN.

The CHAIRMAN. The following letters addressed to Senator O'Gorman will be printed in the record:

STATE OF NEW YORK, EXECUTIVE CHAMBER,
Albany, March 10, 1914.

Hon. JAMES A. O'GORMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR O'GORMAN: I take pleasure in herewith introducing to you Mr. Howard D. Hadley, secretary of the Plattsburgh Centenary Commission,

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the members of which desire an appropriation of $250,000 from Congress for the Plattsburgh celebration and permanent memorial.

Historians generally agree that the Battle of Plattsburgh was the greatest naval battle of the war, and that by his victory Macdonough stamped himself as one of the greatest sea captains which our country has produced.

I hope that Congress will see its way clear to enact a law making this appropriation, and I beg to add my assurances that so far as the matter is in my power, New York State will also add a substantial appropriation.

Very sincerely, yours,

MARTIN H. GLYNN.

STATE OF NEW YORK,
LIEUTENANT GOVERNOR'S ROOM,
Albany, February 9, 1914.

HON. JAMES A. O'GORMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am taking the liberty at this time of asking you to use your good offices to secure favorable action on the bill which you have introduced in the United States Senate appropriating $250,000 for the establishment of a proper memorial to Thomas Macdonough at Plattsburg, N. Y. Senator Foley, chairman of the New York State Plattsburg Centenary Commission, has introduced a bill in the legislature calling for an appropriation of $150,000 in order that New York State may participate with the Federal Government in the erection of a suitable memorial to this man and the men who fought so gallantly under him on this historical occasion.

Practically every historic spot in the country has received recognition in this manner by the various States or Nation, and I firmly believe that the people of this State and the Nation owe this small tribute to these men who had so much to do with making this country what it is to-day.

With the hope that you will do everything possible to secure favorable consideration of this measure, I am,

Very sincerely, yours,

ROBERT MAGNER.

THE SENATE OF THE STATE OF NEW YORK,
Albany, March 10, 1914.

HON. JAMES A. O'GORMAN,
United States Senator, Washington, D. C.

MY DEAR SENATOR: I hope you will be able to secure the speedy passage of the bill introduced by you providing for a memorial to Thomas Macdonough.

The authorities in our State have all agreed to an appropriation of $125,000, and the Government's participation should be proportionate.

Very truly, yours,

JAMES A. FOLEY.

(Thereupon the committee adjourned.)

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 475.

SALE OF REMNANT LANDS.

MAY 1, 1914.—Ordered to be printed.

Mr. PITTMAN, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 9829.]

The Committee on Public Lands, to which was referred the bill (H. R. 9829) authorizing the Secretary of the Interior to sell certain unused remnant lands to the board of county commissioners of Caddo County, Okla., for fairground and park purposes, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The land described consists of an unimproved, uncultivated, unused, remnant tract of land embodying 111.40 acres. The tract was formerly ceded, with other lands, to the Government for approximately $1 per acre by the Kiowa, Comanche, and Apache Indians by agreement under date of October 6, 1892, and approved and ratified by the act of Congress approved June 6, 1900. The particular tract has never been used for any purpose but pasture, and has nothing on it in the way of improvements but the native wild grasses that originally grew there.

The tract is close to Anadarko, the county seat of Caddo County, and is especially adapted for fairground and agricultural exhibit purposes. The citizens, both whites and Indians, have long felt the need for a tract of land to use for this purpose, and, as shown in the House report (No. 457), reference to which is hereby made, the land was omitted from the sale of the other remnant lands held a short time ago by reason of its especial fitness for that purpose.

It will be observed that the board of county commissioners pay the usual nominal price of $1.25 an acre for unused, unappropriated land when it is needed for public purposes. It will also be observed that the land reverts to the United States in the event it is not so used for fairground purposes.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 477.

MEMORIAL TO JOHN ERICSSON.

MAY 2, 1914.—Ordered to be printed.

Mr. LEA of Tennessee, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 1086.]

The Committee on the Library, to which was referred the bill (S. 1086) for erecting a suitable memorial to John Ericsson, has considered the same and amended the bill by striking out in line 3, page 1, "$100,000" and inserting in lieu thereof "$25,000," and returns the same to the Senate and recommends that the bill be passed as amended.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 478.

PROVIDING FOR METHOD OF IMPROVING CHANNEL GIVING ACCESS TO MILITARY RESERVATIONS OR FORTIFICATIONS.

MAY 2, 1914.—Ordered to be printed.

MR CHAMBERLAIN, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. J. Res. 95.]

The Committee on Commerce, to whom was referred the joint resolution (S. J. Res. 95) providing for method of improving channel giving access to military reservations or fortifications, having considered the same, report thereon with a recommendation that it pass without amendment.

The joint resolution has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

WAR DEPARTMENT,
Washington, April 11, 1914.

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate, Washington D. C.

SIR: I have the honor to return herewith a copy of Senate joint resolution No. 95, Sixty-third Congress, second session, in response to letter from your committee of the 9th instant.

2. The joint resolution as introduced is entirely satisfactory to the War Department, and its enactment is deemed to be desirable. It frequently becomes necessary to dredge the channel to a wharf on a military reservation, and in some cases this work can be most economically done by Government dredges procured for the improvement of rivers and harbors. Since the maintenance of channels to wharves on military reservations is not ordinarily included within the approved project for river and harbor improvement under which the dredge may be operating, there appears to be a question as to the propriety of the department diverting the dredge to such work, and the general authority of Congress is desired for such diversion where, in the opinion of the Secretary of War, it is advisable.

3. The immediate occasion for recommending this legislation is the present situation at Fort Screven, Tybee Island, Ga., where the use of a Government dredge would be decidedly advantageous.

Very respectfully,

HENRY BRECKINRIDGE,
Acting Secretary of War.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 483.

BRIDGE ACROSS BAYOU MACON, LA.

MAY 6, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 5291.]

The Committee on Commerce, to whom was referred the bill (S. 5291) to authorize Edmund Richardson, or the parishes of East Carroll and West Carroll, La., or both, to construct a bridge across Bayou Macon at or near Epps Ferry, La., having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

[Second indorsement.]

WAR DEPARTMENT, *April 28, 1914.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 5291, Sixty-third Congress, second session, to authorize Edmund Richardson, or the parishes of East Carroll and West Carroll, or both, to construct a bridge across Macon Bayou, at or near Epps ferry, Louisiana, makes ample provision for the protection of navigation interests. He states, however, that while the stream flows from Arkansas into Louisiana, under present conditions its navigable capacity is confined solely to the State of Louisiana, and under the general law contained in section 9 of the river and harbor act of March 3, 1899, a bridge may be built thereover under authority of the State of Louisiana, provided the plans are submitted to and approved by the Chief of Engineers and the Secretary of War before construction is commenced.

So far as the interests of navigation are concerned, I know of no objection to the favorable consideration of the bill by Congress, if in the wisdom of that body the enactment of the proposed legilsation is desired.

HENRY BRECKINRIDGE,
Assistant Secretary of War.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 484.

DELIVERY OF CONDEMNED CANNON, ETC.

MAY 6, 1914.—Ordered to be printed.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 5495.]

This bill is reported by the Committee on Military Affairs as a substitute for Senate bills referred to said committee as follows: S. 4285, S. 4286, S. 4287, S. 4388, S. 4403, S. 4429, S. 4438, S. 4510, S. 4544, S. 4645, S. 4668, S. 4669, S. 5006, S. 5059, S. 5105, S. 5156, S. 5257, S. 5377, S. 5380, and S. 5437.

Each of the bills mentioned was referred to the War Department for report, and, through the Chief of Ordnance, United States Army, answer was received by your committee that the material proposed to be delivered under the provisions of the substitute bill was on hand for the purpose mentioned. The bill reported by your committee is along the lines of similar legislation enacted into law, and, inasmuch as no use is being made of the old material affected by the substitute bill of the committee, it is recommended that the substitute do pass.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 485.

FISH-CULTURAL STATIONS ON THE COLUMBIA RIVER.

MAY 6, 1914.—Ordered to be printed.

Mr. JONES, from the Committee on Fisheries, submitted the following

REPORT.

[To accompany S. 4854.]

The Committee on Fisheries, to whom was referred the above bill, having considered the same, recommend that it do pass with the following amendments:

Change the title to read: "A bill to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the States of Oregon or Washington, or both."

In line 6, after the word "Oregon," insert the words "or the State of Washington, or both."

The desirability of the enactment of this bill into law is set forth in the accompanying letter from the Acting Secretary of Commerce to the chairman of the committee, the bill having been referred to that department for an expression of opinion as to the desirability of its enactment.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 16, 1914.

MY DEAR SENATOR: The department is in receipt of your letter of the 12th instant, inclosing a copy of Senate bill 4854, authorizing the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon.

The department has for some time been advocating the enlargement of its fish-cultural facilities and work in the Columbia River, where an exceedingly important fishing industry is entitled to and in need of any assistance that can properly be rendered by the Federal Government. While the Bureau of Fisheries of this department is now rather extensively engaged in the artificial propagation of the salmon, that work is not on a scale commensurate with the size of the waters to be stocked and the magnitude of the fisheries to be maintained. There is also undoubtedly an opportunity for increasing the supply of food fishes additional to the salmon. It is noted with pleasure that Senator Lane's bill provides therefor.

In these circumstances, the passage of this bill is advocated. It is recommended, however, that the title be amended so as to include the State of Washington, and that in line 6, after the word "Oregon," the words "or the State of Washington" be inserted. Whatever work is done in the Columbia Basin will be of benefit to both States, and it may be that highly desirable sites for hatcheries may be found on the Washington side.

Very truly, yours,

E. F. SWEET, *Acting Secretary.*

Hon. JOHN R. THORNTON,
Chairman Committee on Fisheries, United States Senate,
Washington, D. C.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 486.

FIRE-LIMIT REQUIREMENT, PUBLIC BUILDING, SALISBURY, MD.

MAY 7, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 4158.]

The Committee on Public Buildings and Grounds, to which was referred Senate bill 4158, to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md., having considered the same, beg to report favorably and with the recommendation that the bill pass without amendment.

The bill proposes that the Secretary of the Treasury be authorized to disregard the provisions contained in the public-building act approved March 4, 1913, requiring 40 feet open space for fire protection about the proposed Federal building at Salisbury, Md., or to reduce the space required thereby to such an extent as he may deem necessary.

The committee is in receipt of the following communications from the Secretary of the Treasury, which fully set forth the purposes sought to be obtained by this legislation:

TREASURY DEPARTMENT,
Washington, February 20, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: In compliance with your request of the 30th ultimo, I have the honor to submit the following report on Senate bill 4158, to reduce the fire limit required by the act approved March 4, 1913, in connection with the proposed Federal building at Salisbury, Md., introduced by Senator Jackson.

The act of March 4, 1913, authorized the acquisition of a site and the erection of a post office at a limit of cost of $90,000. This act further requires that the buildings authorized therein shall be unexposed to danger by fire by an open space of at least 40 feet on each side, including streets and alleys; provided that in exceptional cases and for good cause shown, the open space may be reduced to any dimensions which the Secretary of the Treasury shall deem sufficient to afford fire protection.

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While the authority is granted to reduce the open space or fire limit in the above-mentioned act, it does not permit the entire elimination of such open space. A site has not yet been acquired, but should it appear desirable to purchase one of such restricted dimensions as would require placing one or more sides of the proposed Federal building directly on the line bounding the site, the modification of existing legislation contained in this bill would be necessary. This bill is therefore approved.

Respectfully,

W. G. McAdoo, *Secretary*.

Treasury Department,
Washington, March 23, 1914.

The Chairman Committee on Public Buildings and Grounds,
United States Senate.

Sir: I have the honor to refer to the report of this department, dated February 20, 1914, on Senate bill 4158, which provides that the existing legislation requiring an open space for fire protection about the proposed Federal building at Salisbury, Md., may be disregarded or reduced to such an extent as may be deemed necessary.

The site which has been selected as the best of those offered, as regards location, size, suitability, and cost, is an inside lot, approximately 51 feet 6 inches by 180 feet, fronting on two streets and situated between substantial buildings on either side.

From information received by the department this site has been acquired by a private enterprise since its owners offered it for a Federal building site, and excavation for the foundations of a building to be erected upon same has been begun.

The lot was offered in March, 1913, to the Government for the sum of $20,000, and the attention of your committee is invited to the fact that in all probability condemnation proceedings will now be necessary to acquire the property, and as building operations proceed the award in such proceedings would be greatly in advance of the sum originally asked.

Respectfully,

C. S. Hamlin, *Acting Secretary*.

Having considered these facts very fully, the committee begs to report the bill favorably.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 487.

CONSOLIDATION OF CERTAIN FOREST LANDS, SIERRA NATIONAL FOREST, CAL.

MAY 7, 1914.—Ordered to be printed.

Mr. WORKS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 13770.]

The Committee on Public Lands, to which was referred the bill (H. R. 13770) to consolidate certain forest lands in the Sierra National Forest, Cal., having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

This bill grants authority for an exchange of lands belonging to the United States in the Sierra National Forest and Yosemite National Park for certain privately owned lands within the boundaries of the park and forest. The Committee on the Public Lands of the House of Representatives has thoroughly investigated the matter, as will be seen by a reference to the report of the committee made thereon (H. Rept. No. 481), which contains the favorable recommendation of the Department of Agriculture, also the Department of the Interior.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No 488.

TAKING OF SPONGES.

MAY 7, 1914.—Ordered to be printed.

Mr. JONES (for Mr. THORNTON), from the Committee on Fisheries, submitted the following

REPORT.

[To accompany S. 5313.]

The Committee on Fisheries, to whom was referred the bill (S. 5313) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same; and for other purposes, having considered the same, recommend that it do pass.

This bill is a duplicate of S. 4872, Sixty-third Congress, second session, a bill to prohibit the taking or catching of commercial sponges in the Gulf of Mexico or the Straits of Florida, with the exceptions of a change in the title and the addition of section 6, which was not incorporated in S. 4872. S. 4872 was introduced at the request of and written by the Department of Commerce, and the alterations of that bill as contained in S. 5313 are desired by the department.

The necessity for this legislation is set forth in the correspondence below, made a part of this report.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, December 12, 1913.

Hon. JOHN R. THORNTON,
Chairman Committee on Fisheries, United States Senate.

DEAR SENATOR: I desire to present for your consideration that, after seven years of earnest but futile effort, this department has found the act of June 20, 1906, for the protection of the sponge fisheries unenforceable in all of its provisions. The purpose of this law was to protect the sponges off the coast of Florida outside of territorial jurisidiction by preventing diving for them at all times in certain depths of water and at certain times in all depths, and to prevent the taking, by whatever means, outside of the 3-mile limit, of sponges less than 4 inches in diameter. As stated by the Commissioner of Fisheries in his report for 1910, the offenses aimed at are not specifically prohibited, but they were supposed to be prevented by the prohibition of certain subsidiary acts—the landing, curing, or offering for sale in the United States of sponges taken in contravention of the real purpose of the law. To secure a conviction, it is therefore necessary to establish a connection between the act of taking under the objectionable circumstances and certain subsequent

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and secondary acts which per se are innocuous. A diving vessel operating during the closed season can not be interfered with until the sponges are landed, cured, or offered for sale in the United States. The sponges, therefore, must be followed or traced from their beds in the high seas to a point of territorial jurisdiction, a requirement which it is usually impossible to satisfy.

Acting through customs officers of the Treasury Department, various arrests of persons and seizures of vessels and sponges have been made, but no convictions have been secured, except in one lot of cases in which the accused pleaded guilty and took appeals, which have not yet been brought to issue. In these the evidence on which the prosecution based its cases was the sworn statement of the master of each vessel, in which the facts necessary for conviction were admitted. After this experience the masters of the sponging vessels have refused to make further admissions of this character, and no other sufficient evidence is obtainable.

The various defects already referred to were called to the attention of Congress, and on July 12, 1912, the Senate passed a bill (S. 6385) designed to correct them. Opposition to this measure developed among certain persons interested in the sponge fishery, and the House Committee on the Merchant Marine and Fisheries conducted a hearing on the subject on August 1, 1912, since which time no further action has been taken.

Efforts to enforce the law have continued, but the department is now confronted with an opinion of its solicitor, holding that while I am empowered to direct the agents of the department to perform such duties, not inconsistent with law, as may be necessary to enforce the provisions of the act, I am not authorized to direct them to make arrests or seizures. As the law can not be enforced without making arrests and seizures, the act of June 20, 1906, which fails to provide authority for such powers, is inadequate in that respect, in addition to its other defects. Senate bill 6385, which, it is understood, is still before your committee, is probably open to the same objection, though it appears that otherwise its provisions could be made effective.

The present situation in respect to the act of June 20, 1906, is regrettable, not only on account of its failure to protect the sponge fisheries, but also from the fact that it is being openly flouted, and there is being developed among a foreign population, a considerable proportion of which is seeking and attaining citizenship, a contempt for the laws of the land.

I earnestly recommend, therefore, that the law be so amended as to make it enforceable or that it be repealed.

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, January 31, 1914.

SIR: In reply to your letter of January 21 to the Commissioner of Fisheries, you are advised that the department is still of the opinion that Senate bill 6385, Sixty-second Congress, second session, with a modification in its administrative features to enable the agents of the department to make seizures and arrests, would most surely conserve the sponge beds, but in view of the opposition which developed to the close season prescribed in section 1 of this bill, and the probability that it could not be passed in the House of Representatives, I am inclosing another bill with the debatable provision omitted.

This bill is drawn to prevent the taking of small sponges—the greatest abuse connected with the sponge fisheries and that which is most detrimental to the beds. The practice yields but an insignificant financial return to the spongers and but little profit to the dealers, but it depletes the beds of small sponges which would, if permitted another year of life, grow into specimens much more useful to industry and vastly more valuable to the fishery. By the removal of these little sponges there is created not only a direct reduction in the number of mature sponges, but a dearth of potential breeders necessary to the reseeding of the beds with young.

The sponge fishery of Florida is not only valuable to the fishermen and dealers, but its product is important and practically necessary to industries in all parts of the country. It is highly advisable that measures should be taken, but if it is impossible to secure the passage of an effective law, I recommend the approval of the present unworkable law of June 20, 1906, for the reasons expressed in my letter to you dated December 12, 1913.

Respectfully,

WILLIAM C. REDFIELD, *Secretary.*

Hon. JOHN R. THORNTON,
Chairman Committee on Fisheries, United States Senate.

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DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, April 15, 1914.

MY DEAR SENATOR: Referring to Senate bill 4872, for the protection of the sponge fisheries, it is observed that the title is materially different from that contained in the draft submitted by this department, and I desire to present for your consideration the desirability of substituting the original or something similar for that carried by the bill as presented.

The salient feature of the bill is to regulate the taking of sponges, by prohibiting the taking of small ones, and to provide the necessary authority for enforcing the law.

It is suggested, also, that the bill should carry a section repealing the law of June 20, 1906, and all other laws in conflict with Senate bill 4872.

Very truly, yours,

WILLIAM C. REDFIELD,
Secretary.

HON. JOHN R. THORNTON,
United States Senate, Washington, D. C.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 491.

FISHERY EXPERIMENT ON THE PACIFIC COAST.

MAY 7, 1914.—Ordered to be printed.

Mr. WORKS, from the Committee on Fisheries, submitted the following

REPORT.

[To accompany S. 4977.]

The Committee on Fisheries, to whom was referred the above bill, having considered the same, recommend that it do pass with the following amendment:

In line 10, after the word "located" insert the words "if located within the territorial jurisdiction of a State."

This bill was referred by the committee to the Department of Commerce for an expression of opinion as to the desirability of said bill being enacted into law, and the department rendered the opinion expressed in the following letter, made a part of this report:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 24, 1914.

MY DEAR SENATOR: The department is in receipt of your letter of the 21st instant, transmitting, for consideration and report, Senate bill 4977, for the establishment of a fishery experiment station on the Pacific coast of the United States.

The need for such a station as is provided for in this bill and an outline of some of the important work to be accomplished thereat are set forth in the following extract from the report of the Commissioner of Fisheries to the Secretary of Commerce for the fiscal year 1913:

"The bureau now has two laboratories on the Atlantic coast, one in the Mississippi Valley and one authorized on the Gulf of Mexico, for the scientific and practical investigation of problems relating to the fisheries. On the Pacific coast it is unprovided with laboratory facilities, and it is felt that this deficiency should be corrected as speedily as possible.

"The fisheries of the Pacific coast, including Alaska, are valued at upward of $22,000,000, and their products are of such character as to enter into consumption in all parts of the country. There are many potential products, which are not yet utilized for lack of definite information concerning their qualities and merits, and there are others the handling of which can be greatly improved. The bureau believes that if it were provided with the equipment needed for practical investigation and experiment it could increase the volume, improve the quality, and cheapen the cost of the yield of these important fisheries and at the same time lower the price to the consumer.

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"This form of aid to the fishing industry is believed to be a strictly pertinent function of the Federal Government, and the early establishment of an up-to-date research station is strongly advocated."

In view of the foregoing, and of other considerations that might be mentioned, the department approves this bill and hopes that it may soon become a law.

Very truly, yours,

E. F. SWEET, *Acting Secretary.*

Hon. JOHN R. THORNTON,
Chairman Committee on Fisheries,
United States Senate, Washington, D. C.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 492.

SURVEY AND SALE OF LAND IN COCONINO COUNTY, ARIZ.

MAY 7, 1914.—Ordered to be printed.

Mr. SMOOT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5316.]

The Committee on Public Lands, to which was referred the bill (S. 5316) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The necessity for the legislation as contemplated by this bill is set forth in the letter from the department herewith and is made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 18, 1914.

Hon. HENRY F. ASHURST,
United States Senate.

MY DEAR SENATOR: I am in receipt, by reference from the General Land Office, of your letter of February 11, 1914, inclosing a plat and two letters from Mr. Asa W. Judd, herewith returned, relative to acquiring title to land on which the town of Fredonia is located and to small adjoining tracts used by the occupants of said town for agricultural purposes. You request the preparation of a bill that would meet the needs of the settlers.

In response, I have the honor to advise you that it appears from a report of a special agent that said town has been in existence for more than 30 years, and is located in the township hereinafter mentioned; that the town-site settlers have, during said time, been in the occupation of adjacent tracts of land for agricultural purposes, each tract containing from 10 to 20 acres; that said settlers have established a reservoir and have built dams and ditches for irrigation purposes. A portion of the land was in the Kaibab Indian Reservation, under a withdrawal dated October 16, 1907, which withdrawal was canceled July 8, 1913, by this department on the recommendation of the Indian Office. June 11, 1913, by Executive Order No. 1786, T. 41 N., R. 2 W., G. and S. R. M., in which the town and the agricultural tracts are located, was withdrawn for classification and pending the enactment of legislation for the proper disposition thereof. The Kaibab Forest Reserve telephone line, approved in 1913, runs through a portion of the land.

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The survey of the township was made in July and August, 1911, and the plat thereof was approved June 12, 1912. The plat shows that said town and cultivated tracts occupy portions of sections 17, 19, 20, 21, 28, 29, and 30, and that a portion of the town site is located on the W. ½ SW. ¼ of sec. 16. The reservoir site occupies the greater part of the NE. ¼ of sec. 29.

Under the circumstances, it appears that some legislation is needed for the protection of the settlers.

In accordance with your request, I herewith transmit the form of a measure which appears to meet the exigencies of the situation.

Respectfully,

A. A. JONES,
First Assistant Secretary.

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Calendar No. 418.

63D CONGRESS, 2d Session. } SENATE. { REPORT No. 493.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS.

MAY 7, 1914.—Ordered to be printed.

Mr. CLAPP, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 11246.]

The Committee on Indian Affairs, to whom the above entitled action was referred, having examined the same, report favorably upon said bill and recommend its passage without amendment. In support of said bill the committee begs leave to submit, with the foregoing recommendation, the report of the House Committee on Indian Affairs accompanying said bill.

[House Report No 344, Sixty-third Congress, second session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 11246) providing for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, having duly considered the same, recommends that the bill do pass.

During the second session of the Sixty-second Congress your committee favorably reported a bill of this character, and a copy of such report is hereto attached and made a part hereof. Also, a letter from the Assistant Secretary of the Interior is hereto attached and made a part of this report, showing the attitude of the Department of the Interior toward such legislation.

[House Report No. 444, Sixty-second Congress, second session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 21887) conferring jurisdiction on the Court of Claims to determine the amount of unpaid annuities that would be due the Medawakanton and Wahpakoota Bands of Sioux Indians as if the act of forfeiture of 1863 had not been passed, after deducting therefrom all payments to said bands, or to any of the members thereof that are properly chargeable against their annuities, beg to report that after giving careful consideration of the whole matter, they report back an amendment to strike out all after the enacting clause and substitute the following:

"That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment for any balance that may be found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases for any annuities that may be ascertained to be due to the said bands of Indians under and by virtue of the treaties between said bands and the United States, dated September twenty-ninth, eighteen hundred and thirty-seven (Seventh Statutes at Large, page five hundred and thirty-eight), and August fifth, eighteen hundred and fifty-one (Tenth Statutes at Large, page nine hundred and fifty-four), as if the act of forfeiture of the annuities of said

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bands approved February sixteenth, eighteen hundred and sixty-three, had not been passed: *Provided*, That the court in rendering judgment shall ascertain and include therein the amount of accrued annuities under the treaty of September twenty-ninth, eighteen hundred and thirty-seven, up to the date of rendition of judgment, and shall determine and include the present value of the same, not including interest and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended for their benefit by the Government of the United States since the treaties were abrogated by the act of eighteen hundred and sixty-three: *Provided*, That the treaty of eighteen hundred and sixty-eight shall not be a bar to recovery, but all equities and benefits received thereunder by the Santee Sioux Indians may, in the discretion of the court, be taken into consideration in the determination of the amount of recovery. Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to ascertain and determine which of said Indians now living took part in said outbreak and to prepare a roll of the persons entitled to share in said judgment by placing thereon the names of all living members of said bands residing in the United States at the time of the passage of this act, excluding therefrom only the names of those found to have personally participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

"Proceedings shall be commenced by petition verified by one of the attorneys who have been heretofore employed by said bands of Indians to prosecute their claims under this act under a contract which has been approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law upon information and belief as to the existence of the facts stated in said petition, and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed, to be paid to the attorney or attorneys so employed by the said band of Indians and their associates, and the same shall be paid out of the balance found to be due said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than five per centum of the amount of the judgment recovered, and in no event shall the aggregate amount exceed twenty-five thousand dollars: *Provided further*, That the court shall by its decree distribute such fees equitably between the attorneys who have been employed by said bands of Indians in said cause."

The situation as to the claim of these Indians is briefly as follows:

Prior to 1863 the Sisseton and Wahpeton bands, known as the Upper Sioux, and the Medawakanton and Wahpakoota Bands, known as the Lower Sioux, lived on adjoining reservations in the State of Minnesota. Formerly the Upper Sioux and the Lower Sioux, in similar but separate treaties, had ceded all of their lands to the United States, save the small reservations on which they were then living, and in consideration for the cession the Government agreed to pay them certain annuities.

By act of Congress approved February 16, 1863, the annuities of both the Upper and Lower Bands were forfeited in consequence of the Sioux outbreak of 1862.

By act of Congress approved June 21, 1906, Congress restored the forfeited annuities of the Sisseton and Wahpeton Bands (Upper Sioux) and conferred jurisdiction upon the Court of Claims to hear and determine the amount of unpaid annuities that would be due them as if the act of forfeiture had not been passed, and also to ascertain and set off against said amount all sums which had been paid to or for said bands, or to or for any members thereof, since said act of forfeiture was passed, which the court should find were properly chargeable against said annuities, and to render judgment for the balance, if any.

The reports of the committees of Congress in support of the legislation for the relief of the Sisseton and Wahpeton Bands will be found in Senate Report No. 2561, Fifty-ninth Congress, first session, page 80, and House Report No. 2751, Fifty-ninth Congress, first session.

The substitute bill now reported and recommended (H. R. 21887) follows the legislation for the relief of the Sisseton and Wahpeton Bands and should be passed for the same reasons.

The annuities of the Mdewakanton and Wahpakoota Bands (Lower Sioux) arose as follows:

By the first article of a treaty dated September 29, 1837 (Stat. L., 538), the Mdewakantons ceded to the United States all of their lands east of the Mississippi River and all of their islands in said river, the consideration for said cession being $15,000 per annum "forever." Of this annuity, 27 installments had been paid at the time of the outbreak.

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It is the policy of the Government to discontinue perpetual annuities by capitalizing the same at their present value, which is provided for in this bill.

By the second article of a treaty made at Mendota in the then Territory of Minnesota, on the 5th day of August, 1851 (10 Stat. L., Treaties, p. 56), the Mdewakanton and Wahpakoota Bands of Sioux Indians ceded to the United States "all their lands and all their right, title, and claim to any lands whatever in the Territory of Minnesota or in the State of Iowa."

The consideration for the land ceded by this treaty, adjusted according to terms of the treaty and amendments thereto, was, in annuities, $61,450 for a period of 50 years. Of these annuities, 12 installments had been paid at the time of the outbreak, leaving 38 unpaid.

The devastation of property and the loss of life resulting from this outbreak is familiar history; but the evidence shows that nearly every guilty Indian is dead.

It is established that many individual Indians of these two bands bore arms to suppress the outbreak, while others gave aid and comfort to settlers and prisoners, saving captive women and children, thus incurring the risk incident to arraying themselves against the hostile Indians.

The question arises: Were these Indians who participated in the outbreak guilty of treason or an act of disloyalty to the United States Government, or were they guilty of committing a crime against society as individuals? If they are to be considered as committing an act of treason or disloyalty, then it would seem the Government should deal with them as it dealt with the disloyal members of the Five Civilized Tribes.

Congress, by act approved July 5, 1862, provided for forfeiting the annuities of any Indians, including the Cherokees and other Indians composing the Five Civilized Tribes, who joined the Southern Confederacy and took up arms against the Union. After the war the Government made new treaties with all the Indians of the Five Civilized Tribes, restoring every dollar of the annuities to loyal and disloyal alike; and later Congress, in one or more cases, went even further and paid to these Indians an additional consideration for their lands ceded, being the difference between 31 cents an acre, the amount provided to be paid them by the treaty, and $1.25 an acre, the statutory price. So if these Indians who participated in the outbreak were guilty of an act of disloyalty, then why should not their annuities be restored, as in the case of the Five Civilized Tribes? Besides, these Indians are to-day citizens, so it would seem that the spirit of the Constitution, if not the letter thereof (Art. III, sec. 2), should protect them against the act of forfeiture beyond the lives of persons "attainted." That forfeitures are not favored is fundamental. This Government was carrying out this basic governmental policy when it paid the heirs of Gen. Robert E. Lee for the Arlington estate.

If these Indians who participated in the outbreak were not guilty of disloyalty or treason, then they were guilty as individuals of murder. For this crime the guilty individuals who were not killed by Gen. Sibley's troops in quelling the outbreak were arrested and tried for their crime and convicted, and part of them hanged and the remainder imprisoned. The guilty Indians have nearly all paid the penalty of their crimes. If there are any still living, the Government has established or can establish their guilt. At any rate, the burden should be on the Government to show who are guilty and still living, if there be any.

The bill provides that the Department of the Interior shall make up a roll of those who are now living and residing in the United States who are entitled to share in these annuities, leaving off the names of any Indians who took part in the outbreak.

The sweeping act of forfeiture passed by Congress soon after the outbreak has deprived not only the friendly Indians who survived the difficulties of that period of the moneys due for their land during the remainder of their lives, but has visited the sins of the few hostile Indians upon helpless women and upon unborn children. If the Government should adhere to this act of confiscation, it would be the only instance of the kind in our history. Therefore, it seems to your committee that the ends of justice would be accomplished by the passage of the proposed bill.

The bill provides that payment of the amount found to be due by the court shall be made per capita to those Indians now living, except those whose guilt can be shown.

The Department of the Interior has, however, always contended that these Indians have forfeited their rights to the restoration of these annuities by becoming parties to the treaty of April 29, 1868, and further contends that if they did not surrender and forfeit their claims or rights by the terms of such agreement, that then they should be charged up with all payments in money or clothing, provisions, etc., made under that treaty.

Your committee, after a careful investigation of this treaty and the conditions under which and the purpose for which it was made, can not concur in the view

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taken by the department. The department cites article 10 of said treaty, which reads as follows:

"In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver, etc.—

naming the clothing, money, supplies, and provisions which the Government agreed to furnish the Indians.

The department also points to article 17, which reads as follows:

"It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further."

Your committee can not understand how the provisions of these two articles can be held to be an abrogation of the rights of the Indians to annuities which were at that time forfeited, and therefore can not have been in the minds of the parties. Besides, a reading of the whole treaty shows that the Government sought the Indians to make this treaty for a governmental purpose. The things that the Indians were to do are expressly stated, and stated to be done in consideration for payments to be annually made.

The facts about that treaty are briefly as follows:

The Indians occupying the territory north of the proposed line of the Union Pacific Railway and on the western frontier had been rounded up by the Army and at Fort Laramie; these bands being the Brule, Ogallala, Minicongou, Yanktonai, Unkpapa, Blackfeet, Cuthead, Two Kettles' Band, Sioux, and the Arapahos, were gathered in to meet Lieut. Gen. William T. Sherman, Gen. William S. Harney, Gen. Alfred H. Terry, Gen. C. C. Augur, of the United States Army, and four civilian commissioners appointed by the President. The council was dominated by the Army.

Nearly all of these various bands, parties to the treaty, except the Santee Sioux of Nebraska, were more or less hostile. The seven Santees who signed the treaty were a part of the small band of Santee Sioux Indians which had been gathered up and moved by the Government to Niobrara, Nebr., after the release of the remnant of the Indians that had been confined at Davenport, Iowa.

These Indians were wholly indigent, broken spirited, and without hope in the world. They were completely subjugated and were wholly under the care and the influence of the United States at Niobrara. If they had signed this treaty in the understanding that they were surrendering their rights to the restoration to their children of the forfeited annuities, they would have so signed without the shadow of authority. They did not represent the great mass of Santee Sioux Indians who still remained in Minnesota and Dakota. They were in that deplorable condition in which individuals, and sometimes weak nations, execute any agreement that is presented to them by the power holding them under subjugation. They were perfectly willing, unquestionably, to accede to the terms of peace proposed by the United States, and doubtless they extended whatever influence they possessed, as heartily as was in their power, to bring to a peaceful disposition the more hostile part of the Sioux Indians, such as Two Kettles' Band, the Unkpapas, and others of a hostile disposition who had been depredating upon the line of the proposed Union Pacific Railway and upon the line of travel over the "California trail" up the La Platte River.

Affidavits have been made by two of those who claim that they signed the treaty to the effect that no council of their band was held to authorize them or anyone else to enter into a treaty with the United States.

In the first paragraph of the indicated treaty of 1868 the parties agreed that war should forever cease, and recites as follows: "The Government of the United States desires peace, and its honor is hereby pledged to keep it;" "the Indians desire peace, and they now pledge their honor to maintain it;" so that peace was the object of the signatory parties.

Article 11 of that treaty sets out seven specific services which the Indians were required to render the Government continuously. Briefly stated, they were that the Indians should withdraw "all opposition to the construction of the railroads now being built on the plains"; that they not only would not attack any white persons or wagon trains or coaches, or capture any cattle or mules belonging to the United States or to white people, but that they should protect the white people and their property and the property of the United States in every way within their power; they also agreed to withdraw all opposition to the military posts or roads established and to be established by the Government in the Northwest, and further specifically agreed to

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help the Government to capture and punish any Indians who attacked white people or Government agents or committed depredations on their property, and to police the frontier.

In short, the Government sought these Indians on the frontier to enter into a treaty for a specific governmental purpose; that is, peace and the protection of the frontier. The Indians agreed to perform this service and the Government agreed to pay them annually certain sums of money, food, clothing, etc., in consideration for their services. Any time that the Indians stopped performing these services payments to them would stop. Therefore the payment made to these 10 bands of Indians was the annual recognition of the fact that the Indians had carried out their part of the agreement in good faith.

It is evident, therefore, that the agreement of 1868 was sought by the Government in the interest of civilization and for purposes of the Government, and that the Indians performed the services required, and that the payments made to them were the consideration for such services as stated in the treaty.

This shows clearly that the provisions of articles 10 and 17 of that treaty, which provided that the payments to be made under it should be in lieu of all payments heretofore granted to these Indians under treaty stipulation, can not and should not be a bar to the recovery by these Indians of their annuities which were forfeited in 1863. It is clear that the contracting parties, if the treaty, as between the Government and this band of Sioux Indians, can be called a contract, did not have in mind at the time the forfeited annuities of the Sioux the same having been abrogated by act of Congress in 1863.

In this connection it should be noted that the Government, in making certain payments to the small band of Santee Sioux at Niobrara, Nebr., under the terms of the agreement of 1868, did not make any payments to the larger part of these Santee Sioux who were in Minnesota, the Dakotas, and Montana, and were not upon the reservation at Niobrara.

The Senate Committee on Indian Affairs has given this matter thorough consideration and has always taken the same position that we take.

Attention is invited to Senate Report No. 5689 (59th Cong., 2d sess., pp. 76–79), setting forth the reasons of the Senate committee why no payment made under the treaty of 1868 should be charged against the forfeited annuities which it is now proposed to restore.

Attention is also called to Senate Report No. 2561 (59th Cong., 1st sess., p. 80), in which the Senate committee states why the unpaid annuities of all of the Sioux Indians should be restored.

A similar bill to the one we now recommend has passed the other branch of Congress four or five times.

FEBRUARY 2, 1912.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs, House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of January 15, 1912, inclosing, with request for report thereon, a copy of H. R. 17600 (practically the same as 21887), for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The purpose of this bill is to confer jurisdiction upon the Court of Claims to hear, determine, and render final judgment in the matter of the claim of the Medawakanton and Wahpakoota Sioux Indians for annuities due them under treaty stipulations, which were forfeited by act of Congress approved February 16, 1863 (12 Stat. L., 652), and the bill is, in substance, similar to H. R. 17859, Sixty-first Congress, second session, on which the department made report to the Congress under date of February 28, 1910.

In its said report the department suggested certain amendments to H. R. 17859, and as the bill now under consideration appears to have been prepared in accordance with said suggestions, the department sees no objection to its passage.

For the information of your committee there is inclosed herewith a copy of departmental report of February 23, 1910, above mentioned. The bill (H. R. 17600) is returned herewith.

Respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

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DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1914.

MY DEAR MR. STEPHENS: I have the honor to acknowledge the receipt of your letter of January 3, 1914, transmitting for a report thereon H. R. 11246, for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The bill in effect is to confer jurisdiction upon the Court of Claims to hear, determine, and render final judgment in the matter of the claims of the Medawakanton and Wahpakoota Indians for annuities due them under the treaty stipulations which were forfeited by the act of Congress of February 16, 1863 (12 Stat. L., 652), and the bill is in substance similar to H. R. 17600, Sixty-second Congress, second session, on which a favorable report was made to you February 2, 1912.

The bill provides, on page 3 thereof:

"Proceedings shall be commenced by petition verified by one of the attorneys who have been heretofore employed by said bands of Indians to prosecute their claims under this act under a contract which has been approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law * * *."

The records of the department show that contracts approved by the department were entered into by certain attorneys with these Indians—all of which have expired. It therefore seems that new contracts should be obtained by such attorneys as are to prosecute these claims, such contracts to be in accordance with existing law, which requires the approval of the Commissioner of Indian Affairs and the Secretary of the Interior. It is accordingly recommended that the bill be amended as follows:

Page 3, line 11, strike out the words "one of the attorneys who have been here tofore" and insert in lieu thereof the words "the attorney or attorneys."

In line 13 strike out "which has been" and insert in lieu thereof the words "to be."

Line 17, strike out after the word "necessary" all to the end of bill and insert in lieu thereof the following: "*Provided*, That the fees to be paid the attorney or attorneys so employed by the said band of Indians shall be paid out of the balance found to be due said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided further*, That in no event shall the aggregate amount of the fees exceed $25,000."

Should the proposed amendments be made to the present bill, I believe that it would be only justice to these Indian claimants to be allowed to take their case to the Court of Claims, as proposed therein. I therefore see no objection to the bill, if amended as indicated, being enacted into law.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 498.

FISH-CULTURAL STATION IN TEXAS.

MAY 8, 1914.—Ordered to be printed.

Mr. LANE, from the Committee on Fisheries, submitted the following

REPORT.

[To accompany S. 4946.]

The Committee on Fisheries, having considered the above bill, recommend that it do pass.

This bill was referred to the Department of Commerce by the committee and the department recommended its passage, as set forth in accompanying letter, made a part of this report.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 24, 1914.

MY DEAR SENATOR: In reply to your letter of the 20th instant, inclosing a copy of Senate bill 4946 for an expression of opinion as to the desirability of its passage, I beg to make the following statement:

This bill provides for the establishment of an additional fish-cultural station in the State of Texas.

As implied in this bill, the department is already operating a fish hatchery in Texas. This is located at San Marcos in the south-central part of the State. An additional fish hatchery in northern or western Texas would be highly advantageous and is needed to meet the increasing demands for fish for public and private waters throughout a vast area of country now entirely lacking in fish-cultural facilities.

The passage of this bill is therefore recommended.

Very truly, yours,

E. F. SWEET, *Acting Secretary.*

Hon. JOHN R. THORNTON,
Chairman Committee on Fisheries, United States Senate,
Washington, D. C.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 499.

CERTAIN HOMESTEAD ENTRIES IN THE STATE OF WASHINGTON.

MAY 8, 1914.—Ordered to be printed.

Mr. CLARK of Wyoming, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 819.]

The Committee on Public Lands, to which was referred the bill (S. 819) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, having had the same under consideration, beg leave to report it back to the Senate with the following amendments:

On page 2, in lines 15 and 16, strike out the words "first day of December, nineteen hundred and nine" and insert in lieu thereof "thirty-first day of January, nineteen hundred and ten."

On page 2, in line 17, after the word "home," insert the following: "and who has since maintained his claim thereto."

As thus amended the committee recommends that the bill do pass.

The bill was referred to the Department of the Interior, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, June 14, 1193.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I have the honor to acknowledge receipt, by reference from your committee, for information as to law, facts, and suggestions, of a copy of Senate bill No. 819, entitled "A bill providing for the homestead entry of certain lands in the State of Washington, and for other purposes."

The lands described in the bill comprise two reservations, Nos. 23 and 24, being two of 25 military reservations established by Executive order of September 22, 1866. By Executive order of October 18, 1894, four of said reservations were relinquished for disposal under the act of July 5, 1884 (23 Stat., 103). Two of said four reservations were disposed of under the act of June 9, 1906 (34 Stat., 229). Action looking to the disposal of the two reservations described in the present bill has been suspended pending proposed legislation.

The bill is similar in intent to that of S. 4477, Sixty-first Congress, second session, on which this department made a report on January 17, 1910, and suggested certain amendments.

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On February 7, 1912, this department made a report on H. R. 9832, proposing to dispose of the reservations referred to, and said bill is identical with the present bill. In said report it was suggested that only persons who were in the occupation of lands on December 1, 1909, and who have since maintained their claims to the land, should be accorded a preference right of entry under section 2 of the bill; otherwise preference rights might be advanced by those who have since the date mentioned failed to maintain their claims. It was therefore suggested that section 2 of the bill be amended by adding the words "and who has since maintained his claim thereto."

The present bill does not contain the amendment suggested, and I am of the opinion that it should be incorporated in the present bill. I therefore recommend that said words be inserted in line 17, page 2, after the word "home."

Senate Report No. 206, Sixty-first Congress, second session, contains a full history of the legislation up to February 9, 1910, and sets forth that there are 64 settlers pon the lands covered by the bill and mentions their names.

Very truly, yours,

FRANKLIN K. LANE.

Senate Report No. 206, Sixty-first Congress, second session, containing a full history of the legislation relative to the subject matter of this bill up to February 9, 1910, is hereto appended and made a part of this report.

[Senate Report No. 206, Sixty-first Congress, second session.]

The Committee on Public Lands, to whom was referred the bill (S. 4477) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, having had the same under consideration, beg leave to report it back favorably, with the recommendation that it do pass as amended.

In connection with this report, attention is called to the attached letter from the Secretary of the Interior, dated January 17, 1910, which is made a part of this report, wherein he suggests certain amendments to the bill, which amendments as amended by your committee have been adopted. As throwing considerable light on the subject matter of this legislation, the report of Mr. Smith, from the Committee on the Public Lands of the House of Representatives, on the bill H. R. 15859, a similar bill, made during the last Congress, hereto attached.

DEPARTMENT OF THE INTERIOR,
Washington, January 17, 1910.

SIRS: I have the honor to acknowledge the receipt, by the reference of the clerk of your committee, of S. 4477, entitled "A bill providing for the homestead entry of certain lands in the State of Washington, and for other purposes," with a request for information as to the law and the facts in relation thereto and for such suggestions as this department may see fit to offer.

Said bill provides for the survey of certain described tracts into 20-acre tracts and for the allowance of entry by settlers in actual occupation of the lands described at the date of the passage of the act of not exceeding 20 acres in a body upon paying $2.50 per acre and showing residence and cultivation of the lands for the length of time required by the homestead law. Section 3 of the bill grants 20 acres to school district No. 71, of Pierce County, State of Washington, upon paying $2.50 per acre, and section 4 provides for the sale of the undisposed of lands in accordance with the provisions of the act of July 5, 1884. (23 Stat., 103.) Under this act the remaining lands will be appraised and sold to the highest bidders.

The lands described comprise 2 reservations, Nos. 23 and 24, being part of the 25 military reservations established by Executive order of September 22, 1866. These two reservations were relinquished by the War Department for disposal under the act of July 5, 1884 (23 Stat., 103), by authority of Executive order of October 18, 1894. Action looking to the disposal thereof has been suspended pending proposed legislation. In the last Congress Representative Cushman introduced H. R. No. 519, which provided that said reservations should be disposed of in the same manner as two other similar reservations were disposed of under the act of June 9, 1906 (34 Stat., 229). Said act provided for the sale of the lands after appraisement, but with a proviso that settlers on the land should have the right to enter the lands occupied by them, not exceeding 20 acres, upon paying $2.50 per acre and submitting proof in accordance with the homestead law, the language in regard to such settlers being similar to that in the bill now under consideration. In the disposal

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of the lands under the act of June 9, 1906, the settler was not required to make a homestead entry, but was only required to prove his settlement and residence in accordance with the provisions of the homestead law, and in consequence he did not exhaust his homestead right by entering such lands.

The title to the present bill provides for the homestead entry of the lands referred to, and consequently it will be necessary to enter the lands under said act, although in the body of the bill it does not state specifically that the entry is to be made under the homestead law. With the exception mentioned and the granting of lands to the school district mentioned above, the proposed legislation is practically the same as that contained in the act of June 9, 1906, above mentioned.

In the opinion of this office the body of the bill should specifically require entries of these lands under the homestead law, with a proviso that a former entry should not bar an entry of these lands.

Furthermore, the language of section 2 of the bill is ambiguous. This was called attention to in reporting on said H. R. 519. It is uncertain whether or not the occupant must submit proof showing residence and cultivation, as well as meet the other conditions, before his entry is allowed, or whether the entry can be allowed and proof be made subsequently. In the case of the disposals under the act of June 9, 1906, the law provided for a sale of the lands with a preference right to certain occupants; and in order to give such occupants the benefits of the law, they were allowed to make entry and pay for the lands, the proof required to be submitted subsequently. (See inclosed copy of circular of May 4, 1908.)

It is also believed that some date should be fixed other than that of the passage of the act when the rights of such occupants would attach. In the administration of the act of June 9, 1906, it has been found that some persons, just before the passage of the act, went upon the lands and made settlement with a view to acquiring title to the lands, possibly for speculative purposes. It is believed that it is the intention of the proposed legislation to benefit the people who established homes on these reservations in good faith in years past in the belief that some legislation would be passed for their relief. The law should be so worded as to limit the right to such people, so far as practicable, and for this reason a date prior to the introduction of the bill under consideration is herein suggested.

In view of the foregoing, I have to recommend that section 2 of the bill be amended as follows:

"SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who was in actual occupation of any portion of the lands described in section one hereof on the first day of December, nineteen hundred and nine, who made actual settlement thereon in good faith for the purpose of securing a home, shall, if qualified to make a homestead entry, be entitled to make a homestead entry of the land so occupied, not exceeding twenty acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government at the time of such entry of the sum of $2.50 per acre for each acre entered by him, and within five years from the date of such entry he shall be required to submit proof showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States, and failure to make said showing shall be deemed sufficient cause for forfeiture of all rights to the land and to the money paid, and in case of any such default, the land shall be offered at public sale."

If the bill is amended as recommended I have no objection to urge to its passage.

Very respectfully,

R. A. BALLINGER, *Secretary*.

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

[House Report No. 639, Sixtieth Congress, first session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 15859) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, having considered the same, respectfully report said bill with the following amendment:

At the end of section 3, on page 3, after the words "State of Washington," strike out the period and insert a comma in place thereof, and then add the following words, "upon payment therefor to the United States of $2.50 per acre," and as thus amended that said bill do pass.

The lands described in this bill are two small abandoned military reservations situated some 5 or 6 miles west of the city of Tacoma, in Pierce County, State of Washington.

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These reservations are known as abandoned military reservations Nos. 23 and 24. The total number of acres in both these abandoned military reservations is 1,249.20. The following statement shows the number of acres in each reservation and the number of settlers thereon:

Reservation.	Acres.	Settlers.
No. 23	637.20	32
No. 24	612	32
Total	1,249.20	64

It therefore appears that there are 64 settlers occupying 1,249.20 acres of land, which would be about 20 acres for each settler. As a matter of fact, no one of these settlers occupies more than 20 acres, and several of them a trifle less than 20 acres.

It is the purpose of this bill to enable these 64 bona fide settlers on these lands each to secure title under the homestead act to the land occupied by him, not to exceed 20 acres to any one settler.

The provisions of this bill (H. R. 15859) can be briefly stated as follows: (There are four sections in the bill.)

Section 1 provides in substance for the survey by the Secretary of the Interior of these two military reservations and the division of the same into tracts of 20 acres each or less.

Section 2 provides that each bona fide settler on said lands at the date of the passage of the act shall have the right to file as a homestead on the particular tract occupied by him and prove up on the same under the homestead laws and by paying $2.50 per acre.

Section 3. The United States grants title to 20 acres of land in reservation No. 24 to the school district in which said land is located upon payment of $2.50 per acre therefor.

Section 4 provides that any surplus lands which may remain, upon which no bona fide settler may have filed, shall be disposed of by the Secretary of the Interior under the act of July 5, 1884, which is the existing law which applies to all abandoned military reservations.

It is deemed proper that a brief explanation should be included in this report explaining the propriety and the necessity of the passage of this bill, which explanation is as follows:

These two military reservations were established by Executive order of September 22, 1866. These two reservations were relinquished by the War Department by authority of Executive order of October 18, 1904. When so relinquished said two abandoned military reservations then became subject to disposal by the Secretary of the Interior under the provisions of the act of July 5, 1884, which act made general provisions for the disposal of abandoned military reservations. But under that law (act July 5, 1884) in order to possess the right to enter any of these said lands as a homestead a settler must have resided on said lands during the past 24 years; that is, must have resided thereon since January 1, 1884. The 64 settlers who are occupying these lands have resided thereon for periods ranging from a year to six years, and therefore none of them could file as homesteads on these particular lands under existing law. Therefore the propriety of the passage of this bill, which in effect waives the necessity of 24 years' prior residence upon these lands and permits each settler now occupying these lands to file on 20 acres thereof.

It is deemed proper in this report to state that this bill (H. R. 15859), which is herewith favorably reported, is a bill introduced by Mr. Cushman, of Washington, to take the place of another bill (H. R. 519) heretofore introduced by him some weeks ago. For numerous reasons too lengthy to detail it was thought better to introduce a new bill rather than to report the old bill with numerous changes and amendments.

It is also proper to state that this new bill (H. R. 15859) has never been referred to the Secretary of the Interior for report thereon. But the letter of the Secretary of the Interior reporting upon the former bill (H. R. 519) relating to the same subject is hereto attached. This committee in reporting this bill have not included therein one amendment suggested in the letter of the Secretary of the Interior, but we have given careful consideration to all the suggestions contained in his letter, and we believe that this bill (H. R. 15859) in its present form, with the one amendment made by the committee, not only covers the needs of the settlers upon these lands, but likewise in every proper way safeguards the rights and interests of the Government.

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Should this bill not be passed, then the only way these lands could be disposed of would be under the act of July 5, 1884, and amendments thereto, and that would be by appraisement and sale to the highest bidder by the Secretary of the Interior. If that method were adopted, all these lands would probably be bought up by speculators, and the bona fide settlers thereon would not only lose these lands, but each would also lose the valuable improvements made thereon. Therefore, the committee, in view of these facts, think that this bill should be passed.

It is also deemed proper to state that during the Fifty-ninth Congress, first session, there was passed a bill (H. R. 17127) very similar to the bill herewith reported. That former bill was approved June 9, 1906, being public act 216 of that Congress. That act related to two other abandoned military reservations near Gig Harbor, in Pierce County, State of Washington, being some 2 or 3 miles to the north of the two reservations covered by this pending bill. Therefore, there is a precedent for the passage of this bill.

Three acts have been passed by Congress relating to the disposal of abandoned military reservations, as follows: Act of Congress approved July 5, 1884; act of Congress approved August 23, 1894; act of Congress approved February 15, 1895. Copies of all these acts are included in the appendix to this report.

Under the provisions of these various acts actual residence by the settler upon the abandoned military reservations must have commenced at or prior to the date of these acts.

But none of the 64 settlers upon the lands covered by this bill have resided upon said lands as long a period as this, and therefore would not have, under existing law, a right to file a homestead entry upon the lands occupied by them.

The body of this report states in just what manner this bill, if enacted into law, will change the existing law relating to these two reservations, and also states the reasons why it is believed that the changes should be made which this bill contemplates.

This bill is strictly in the interest of the bona fide settlers upon these lands.

As a part of this report, for both convenience and accuracy, there is attached hereto an appendix, which contains the following:

A. The letter of the Secretary of the Interior addressed to the House Committee on the Public Lands commenting upon H. R. 519.

B. A copy of the former bill (H. R. 519).

C. A copy of this bill herewith reported (H. R. 15859).

D. A list of the settlers upon abandoned military reservation No. 23, with a statement of their improvements and the approximate value thereof.

E. A list of the settlers upon abandoned military reservation No. 24, with a statement of their improvements and the approximate value thereof, and also the date at which each settler settled upon his 20 acres of land.

F. A copy of the act of Congress approved July 5, 1884 (23 Stat. L., 103), entitled "An act to provide for the disposal of abandoned and useless military reservations."

G. A copy of the act of Congress approved August 23, 1904, entitled "An act to provide for the opening of certain abandoned military reservations."

H. A copy of the act of Congress approved February 15, 1895, entitled "An act to amend and extend the provisions of an act entitled 'An act to provide for the opening of certain abandoned military reservations, and for other purposes,' approved August 23, 1894."

EXHIBIT A.

DEPARTMENT OF THE INTERIOR,
Washington, January 16, 1908.

SIRS: I have the honor to acknowledge receipt of a letter from your chairman, dated December 31, 1907, inclosing a copy of H. R. No. 519, entitled "A bill to provide for the subdivision and sale of certain lands in the State of Washington, and for other purposes," with a request that you be informed as to the condition of the lands referred to therein and the advisability of the legislation proposed. Said bill provides for the survey of said lands into tracts of 10 acres each, etc., their appraisal and public sale at not less than the appraised value nor less than $2.50 per acre, and for giving certain settlers a preference right.

The lands referred to comprise 2 reservations, being part of 25 military reservations established by Executive order of September 22, 1866. The two reservations now under consideration were relinquished by the War Department for disposal under the act of July 5, 1884 (23 Stats., 103), by authority of Executive order of October 18, 1904. Action looking to the disposal thereof has been suspended pending proposed legislation.

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This bill is identical with the act of June 9, 1906 (34 Stats., 229), except as to description of land and as to section 2 of the proposed bill, which is not included in the act of June 9, 1906. Said act of June 9, 1906, provided for a similar disposal of reservations Nos. 22 and 23, which were turned over by the War Department by the same order as Nos. 23 and 24 for disposal under the same act.

The descriptions of lands in the proposed bill should be amended in the following particulars:

In line 6, page 1, omit word "fractional," for the reason that the SW. ¼ of sec. 21, T. 21 N., R. 2 E., is full 160 acres.

Particular attention is called to the second proviso to section 1 of the bill, which reads as follows:

"That any settler who is in actual occupation of any portion of such lands at the date of the passage of this act who has settled thereon in good faith for the purpose of securing a home, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding 20 acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government of the sum of $2.50 per acre for each acre entered by him, and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States."

The language used in said proviso is ambiguous. It is uncertain whether or not all the requirements and conditions mentioned in the proviso must be met before the right of entry exists or whether the right of entry exists in a settler who is in actual occupation of the land at the date of the passage of the act, having settled thereon in good faith for the purpose of securing a home, and possessing the homestead requirements, the conditions as to payment for the land and as to making a showing of residence on and cultivation of the land in accordance with the homestead law being required to enable a settler to secure a patent for the land. This same uncertainty exists with regard to the second proviso to the act of June 9, 1906, the language being identical. It is desirable that the ambiguity be removed, and that the legislative intention be made certain. Reports received in the General Land Office show that the rights of a large number of settlers to lands described in said act of June 9, 1906, depend upon the construction to be placed upon the second proviso thereto. It is the opinion of this department that payment for the land should be made at the time the party shows his qualifications as an occupant, settler, and homesteader, but that the required showing as to residence on and cultivation of the land may be deferred.

It is, therefore, recommended that there be added after the words "United States," at the end of said proviso, found in line 22, page 3 of the bill, the following words: "said showing of residence and cultivation to be made within five years from the date of the passage of this act, and failure to make said showing shall be sufficient cause for forfeiture of all rights to the land and to the money paid, which forfeiture shall be declared by the Secretary of the Interior reoffering the land at public sale."

Section 2 of the bill authorizes the State of Washington to select the E. ½ NW. ¼ of sec. 32, T. 21 N., R. 2 E., in lieu of an equal area in any section 16 or 36, or any part of such sections, in said State which may have been reserved, sold, or otherwise disposed of under any act of Congress. I am advised by the Hon. Mr. Cushman, who introduced this bill, that this portion of the bill in describing the lands to be selected should read the "east half of the northwest quarter of the southeast quarter" instead of the "east half of the northwest quarter," as it was his desire that the E. ½ of the NW. ¼ of the SE. ¼ should be selected by the State in order that the settlers on adjacent lands might, through the sanction of the State, use that tract for school purposes.

If the bill is amended in the particulars mentioned above, I know of no objection to its becoming a law.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

EXHIBIT B.

[H. R. 519, Sixtieth Congress, first session.]

A BILL To provide for the subdivision and sale of certain lands in the State of Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may, if in his opinion the public interests so require, cause lots one and two in section five, and lot three in section six, of township twenty north, and the southwest fractional quarter, the south-

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west quarter of the southeast quarter, and lots three and four of section twenty-one, and the northwest quarter, the west half of the northeast quarter, lots one, two, and three, and the northeast quarter of the southwest quarter of section twenty-eight, and the south half of lot three and all of lots four and five, and the northeast quarter of the southeast quarter of section thirty-one, the south half of the south half of the northwest quarter, the south half of the south half of the northeast quarter, and lots one and two and the west half of the northwest quarter of the southeast quarter and the southwest quarter of section thirty-two, and the south half of lot two and all of lot three of section thirty-three, in township twenty-one north, all in range two east of the Willamette meridian, in the State of Washington, or any part thereof, to be regularly surveyed or subdivided into tracts or lots of ten acres each, or less, and into town lots, or either, or both. He shall cause said lands to be so surveyed and subdivided and each tract thereof to be appraised by three competent disinterested men, to be appointed by him, and who shall, after having each been first duly sworn to impartially and faithfully execute the trust reposed in him, appraise said lands, subdivisions, and tracts, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon. If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisement has been approved he shall cause the said lands, subdivisions, and lots to be sold at public sale to the highest bidder for cash, at not less than the appraised value thereof and not less than $2.50 per acre, first having given not less than sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers having general circulation in the county or the section of the country where the lands to be sold are situated; and any lands, subdivisions, or lots remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior; and if unsold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale for cash at not less than the appraised value nor less than $2.50 per acre: *Provided*, That no date shall be fixed for the sale of any of said lands until at least ninety days after the Secretary of the Interior has approved said appraisement: *Provided further*, That any settler who is in actual occupation of any portion of such lands at the date of the passage of this act, who has settled thereon in good faith for the purpose of securing a home, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding twenty acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government of the sum of $2.50 per acre for each acre entered by him, and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States.

SEC. 2. That the State of Washington be, and it is hereby, authorized to select the east half of the northwest quarter of section thirty-two in township twenty-one of range two east of the Willamette meridian in lieu of an equal area of any section, sixteen or thirty-six, or any part of such section in said State which may have been reserved, sold, or otherwise disposed of under the authority of any act of Congress.

EXHIBIT C.

[H. R. 15859. Sixtieth Congress, first session.]

A BILL Providing for the homestead entry of certain lands in the State of Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall cause the lands in abandoned military reservations numbered twenty-three and twenty-four, described as follows: Lots one and two in section five and lot three in section six, of township twenty north, and the southwest quarter, the southwest quarter of the southeast quarter, and lots three and four of section twenty-one, and the northwest quarter, the west half of the northeast quarter, lots one, two, and three, and the northeast quarter of the southwest quarter of section twenty-eight, and the south half of lot three and all of lots four and five, and the northeast quarter of the southeast quarter of section thirty-one, the south half of the south half of the northwest quarter, the south half of the south half of the northeast quarter, and lots one and two and the west half of the northwest quarter of the southeast quarter and the southwest quarter of section thirty-two, and the south half of lot two and all of lot three of section thirty-three, in township twenty-one north, all in range two east of the Willamette meridian, in the State of Washington, or any part thereof, to be regularly surveyed or subdivided into tracts or lots of twenty acres each, more or less.

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SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who is in actual occupation of any portion of the lands described in section one hereof at the date of the passage of this act who has settled thereon in good faith for the purpose of securing a home, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding twenty acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government of the sum of two dollars and fifty cents per acre for each acre entered by him, and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States.

SEC. 3. That the following-described land, being a part of abandoned military reservation numbered twenty-four, is hereby granted to school district numbered seventy-one of Pierce County, State of Washington, to wit: The east half of the northwest quarter of the southeast quarter of section thirty-two in township twenty-one of range two east of the Willamette meridian, in the State of Washington.

SEC. 4. That if any of the lands described in section one hereof be not duly entered as a homestead by some settler, as provided in section one of this act, within ninety days after the same become subject to entry under the provisions of this act, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July fifth, eighteen hundred and eighty-four, entitled "An act to provide for the disposal of abandoned and useless military reservations."

EXHIBIT D.

UNITED STATES MILITARY RESERVE NO. 23, T. 21 N., R. 2 E., W. M.

The following is a list of settlers, with a fair estimate of the value of improvements which have been put on the reserve with the intention of making homes. Two good wagon roads have been built the entire length from north to south.

	Name.	Work done.	Estimate of value of improvements.
1	Archibald Morford	5 acres slashed; well; house 12 by 18	$300.00
2	Miss Kate Mahan	2 acres cleared and slashed; house 18 by 24, one and one-half stories.	600.00
3	W. A. Wilson	2 acres slashed; house 12 by 14	300.00
4	John Dines	1 acre cleared; well; house 12 by 24	500.00
5	J. H. Bruce	1 acre slashed and burned; house 12 by 14	275.00
6	S. Torresdal	1 acre slashed and burned; house 12 by 14	250.00
7	M. W. Lonesgan	1 acre slashed; house 14 by 22	250.00
8	Miss Anna Lowe	1 acre cleared; house 14 by 14	225.00
9	Joe Hall	1 acre cleared; well; in fruit and berries; house 16 by 18	650.00
10	T. F. Cowgill	1 acre slashed; house 14 by 18	400.00
11	Jas. B. Bell	2 acres slashed; some in garden; house 12 by 14	325.00
12	Robert Turner	1 acre slashed; house 14 by 16	300.00
13	Walter George	1 acre slashed; house 12 by 16	200.00
14	N. C. Peterson	1½ acres slashed; well; 1 acre cleared; in fruit and berries; house 17 by 18.	250.00
15	Robert Baron	2 acres slashed and cleared; house 12 by 14	300.00
16	Jas. A. Twogood	1½ acres; house 14 by 16	250.00
17	David Hughes	1 acre slashed; well; house 14 by 14	300.00
18	A. Wennerlund	2 acres slashed; well; house 14 by 22	425.00
19	Harry Hart	1 acre slashed and cleared; house 14 by 16	200.00
20	Charles Hart	2 acres slashed; house 12 by 14	300.00
21	Chas. Sherman	2 acres slashed; 1 acre cleared; in fruit and berries; well; house 12 by 14.	700.00
22	Paul Wuttke	2 acres slashed; house 14 by 16	300.00
23	Thos. Conrad	1½ acres slashed; 1½ acres cleared; house 12 by 18	275.00
24	Neal McLaughlin	1 acre slashed; house 12 by 18	300.00
25	W. S. Duty	2 acres cleared and slashed; well; house 13 by 14	400.00
26	Henry Christensen	1 acre slashed; house 12 by 14	125.00
27	Geo. Giertz	1½ acres slashed; house 12 by 14	120.00
28	Thos. Torresdal	1 acre slashed; house 12 by 14	225.00
29	O. L. Conrad	1 acre slashed and cleared and well; house 12 by 14	225.00
30	Lillian Young	1 acre slashed	150.00
31	Teddy Hopkins	1 acre slashed; house 12 by 16	150.00
32	John Hopkins	1 acre slashed; house 12 by 15	250.00

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EXHIBIT E.

MILITARY RESERVATION NO. 24.

TACOMA, WASH., *October 11, 1907.*

We, the undersigned, settlers on United States abandoned military reservation No. 24, situated in townships Nos. 20 and 21 north, range 2 east of Willamette meridian, Washington, being desirous of having said reservation opened, give below the approximate date of our settlement upon the land, the size of our holdings, and value of our improvements.

Blue print attached, on which all claims and fractions of claims are numbered, gives the location of the claims.

Lot 1. Occupied by Indians.

Lot 2. (S. ½ of SE. ¼ of NE. ¼ of sec. 31, T. 21.) Settled upon by me on or about October 1, 1906. Area, 20 acres. Value of improvements, $200. Arthur Larson.

Lot 3. (S. ½ of SW. ¼ of NW. ¼ of sec. 32, T. 21.) Settled upon by me on or about October 12, 1907. Area, 20 acres. Value of improvements, $80. Mary L. Hood.

Lot 4. (S. ½ of SE. ¼ of NW. ¼ of sec. 32, T. 21.) Settled upon by me on or about October 1, 1906. Area, 20 acres. Value of improvements, $200. Chas. Anderson.

Lot 5. (S. ½ of SW. ¼ of NE. ¼ of sec. 32, T. 21.) Settled upon by me on or about December 15, 1906. Area, 20 acres. Value of improvements, $200. Hugo Osumuni.

Lot 6. (S. ½ of SE. ¼ of NE. ¼ of sec. 32, T. 21.) Settled upon by me on or about October 12, 1907. Area, 20 acres. Value of improvements, $80. Ole Stone.

Lots 7 and 20. Settled upon by me on or about December 15, 1906. Value of improvements, $150. Gus. Hufeisen.

Lots 8 and 9. The northern portion occupied by Indians. The southern part has been settled upon by Mr. N. J. Marshall and Mr. R. S. Phillips, descriptions of whose claims appear later.

Lot 10. (W. ½ of NE. ¼ of SE. ¼ of sec. 31, T. 21.) Settled upon by me on or about August 26, 1906. Area, 20 acres. Value of improvements, $350. Swan Swanson.

Lot 11. (E. ½ of NE. ¼ of SE. ¼ of sec. 31, T. 21.) Settled upon by me on or about August 26, 1906. Area, 20 acres. Value of improvements, $350. Sam K. Svenson.

Lot 12. (W. ½ of NW. ¼ of the SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about August 26, 1906. Area, 20 acres. Value of improvements, $375. James S. Reid.

Lot 13. (E. ½ of NW. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about August 26, 1906. Area, 20 acres. Value of improvements, $400. Hubbard G. Hood.

Lot 14. (W. ½ of NE. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about August 26, 1906. Area, 20 acres. Value of improvements, $175. N. G. Menke.

Lot 15. (E. ½ of NE. ¼ of SW. ¼, sec. 32, T. 21.) Settled upon by me on or about August 26, 1906. Area, 20 acres. Value of improvements, $300. Gust Swanson.

Lot 16. (W. ½ of NW. ¼ of SE. ¼, sec. 32, T. 21.) Settled upon by me on or about September 28, 1906. Area, 20 acres. Value of improvements, $140. James Murphy.

Lot 17. (E. ½ of NW. ¼ of SE. ¼, sec. 32, T. 21.) Reserved for school purposes. (20 acres.)

Lot 18. (W. ½ of NE. ¼ of SE. ¼, sec. 32, T. 21.) Settled upon by me on or about December 15, 1906. Area, 20 acres. Value of improvements, $145. W. G. Moshier.

Lot 19. (E. ½ of NE. ¼ of SE. ¼, sec. 32, T. 21.) Settled upon by me on or about December 15, 1906. Area, 19 acres. Value of improvements, $147.50. James R. Forrest. Witness signature, H. G. Hood.

Lot 20. (Incorporated with lot 7.)

Lots 21 and 22 (13 acres) and 7 acres at south end of lots 8 and 9, 20 acres in all. Settled upon by me on or about May 5, 1907. Value of improvements, $175. Robert C. Phillips.

Lot 23. (E. ½ of SE. ¼ of SE. ¼ of sec. 31, T. 21.) Settled upon by me on or about August 26, 1906. Area, 18 acres. Value of improvements, $200. N. H. Rodseide.

Lot 24. (W. ½ of SW. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about September 28, 1906. Area, 20 acres. Value of improvements, $139. Daniel Reid.

Lot 25. (E. ½ of SW. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about December 13, 1906. Area, 20 acres. Value of improvements, $375. W. T. Mackerith.

Lot 26. (W. ½ of SE. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about November 25, 1906. Area, 20 acres. Value of improvements, $175. Gilbert C. McIntosh.

Lot 27. (E. ½ of SE. ¼ of SW. ¼ of sec. 32, T. 21.) Settled upon by me on or about February 17, 1907. Area, 20 acres. Value of improvements, $250. Harry D. Hill.

Lot 28. (W. ½ of SW. ¼ of SE. ¼ of sec. 32, T. 21.) Settled upon by me on or about April 20, 1907. Area, 20 acres. Value of improvements, $450. F. Sinkham.

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Lot 29. (E. ½ of SW. ¼ of SE. ¼ of sec. 32, T. 21.) Settled upon by me on or about June 1, 1907. Area, 19 acres. Value of improvements, $450. George Moore.

Lots 30 and 31. Settled upon by me on or about June 15, 1907. Area, 14 acres. Value of improvements, $90. C. H. Allison.

Lot 32. (E. ½ of NE. ¼ of NE. ¼ of sec. 6, T. 20.) Settled upon by me on August, 1906. Value of improvements, $1,000. Chas. Johnson.

Lot 33. (W. ½ of NW. ¼ of NW. ¼ of sec. 5, T. 20.) Settled upon by me on or about March 25, 1902. Area, 16 acres more or less. Value of improvements, $1,200. G. M. Evje.

Lot 34. (E. ½ of NW. ¼ of NW. ¼ of sec. 5, T. 20.) Settled upon by me on or about February 9, 1907. Area, 17 acres more or less. Value of improvements, $500. Chas. C. Smith.

Lot 35. (W. ½ of NE. ¼ of NW. ¼ of sec. 5, T. 20.) Settled upon by me on or about December 15, 1906. Area, 20 acres. Value of improvements, $200. David Walsh.

Lots 36 and 37. (No. 36, E. ½ of NE. ¼ of NW. ¼ of sec. 5, T. 20; No. 37, W. ½ of NW. ¼ of NE. ¼ of sec. 5, T. 20.) Settled upon by me on or about January 6, 1907. Area, 19 acres. Value of improvements, $175. H. J. Bremner.

Lot 38. R. W. Uhlman, October 16, 1907.

EXHIBIT F.

[PUBLIC—NO. 87.]

AN ACT To provide for the disposal of abandoned and useless military reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, in the opinion of the President of the United States, the lands, or any portion of them, included within the limits of any military reservation heretofore or hereafter declared, have become or shall become useless for military purposes, he shall cause the same, or so much thereof as he may designate, to be placed under the control of the Secretary of the Interior for disposition as hereinafter provided, and shall cause to be filed with the Secretary of the Interior a notice thereof.

SEC. 2. That the Secretary of the Interior may, if in his opinion the public interests so require, cause the said lands, or any part thereof, in such reservations to be regularly surveyed or to be subdivided into tracts of less than forty acres each, and into town lots, or either, or both. He shall cause the said lands so surveyed and subdivided, and each tract thereof, to be appraised by three competent and disinterested men, to be appointed by him, and who shall, after having each been first duly sworn to impartially and faithfully execute the trust reposed in them, appraise the said lands, subdivisions, and tracts, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon. If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisement has been approved he shall cause the said lands, subdivisions, and lots to be sold at public sale to the highest bidder for cash at not less than the appraised value thereof, nor less than $1.25 per acre, first having given not less than sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers having a general circulation in the county or section of country where the lands to be sold are situate; and any lands, subdivisions, or lots remaining unsold may be reoffered for sale at any subsequent time, in the same manner, at the discretion of the Secretary of the Interior; and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale, for cash, at not less than the appraised value, nor less than $1.25 per acre: *Provided*, That any settler who was in actual occupation of any portion of any such reservations prior to the location of such reservation, or settled thereon prior to January first, eighteen hundred and eighty-four, in good faith for the purpose of securing a home and of entering the same under the general laws and has continued in such occupation to the present time, and is by law entitled to make a homestead entry shall be entitled to enter the land so occupied, not exceeding one hundred and sixty acres in a body, according to the Government surveys and subdivisions: *Provided further*, That said lands were subject to entry under the public-land laws at the time of their withdrawal: *And provided further*, That all patents heretofore issued, and approved State selections covering any lands within the old Fort Lyon Military Reservation, in the State of Colorado, declared by Executive order of August eighth, eighteen hundred and sixty-three, are hereby confirmed; and the rights of all entrymen and settlers on said reservation to acquire title under the homestead, preemption,

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or timber culture laws are hereby recognized and affirmed to the extent they would have attached had public lands been settled upon or entered; and such portions of said reservation as shall not have been entered or settled upon as aforesaid shall be disposed of by the Secretary of the Interior under the provisions of this act, including lands that may be abandoned by settlers or entrymen.

SEC. 3. That the Secretary of the Interior shall cause any improvements, buildings, building materials, and other property which may be situate upon any such lands, subdivisions, or lots not heretofore sold by the United States authorities to be appraised in the same manner as hereinbefore provided for the appraisements of such lands, subdivisions, and lots, and shall cause the same, together with the tract or lot upon which they are situate, to be sold at public sale to the highest bidder for cash at not less than the appraised value of such land and improvements, first giving the sixty days' notice as hereinbefore provided; or he may, in his discretion, cause the improvements to be sold separately at public sale, for cash, at not less than the appraised value, to be removed by the purchaser within such time as may be prescribed, first giving the sixty days' public notice before provided; and if in any case the lands and improvements, or the improvements separately, as the case may be, are not sold for want of bidders, then the Secretary of the Interior may, in his discretion, cause the same to be reoffered for sale at any subsequent time in the same manner as above provided, or may cause the same to be sold at private sale for not less than the appraised value: *Provided*, That where buildings or improvements have been heretofore sold by the United States authorities the land upon which such buildings or improvements are situate, not exceeding the smallest subdivision or lot provided for by this act upon the reservation on which said buildings are situate, shall be offered for sale to the purchaser of said improvements and buildings at the appraised value of the lands, and if said purchaser shall fail for sixty days after notice to complete said purchase of lands the same shall be sold under the provisions of this act: *And provided further*, That the proceeds of the military reservation lands sold on Bois Blanc Island, near to Fort Mackinaw Military Reservation, shall be set apart as a separate fund for the improvement of the national park on the island of Mackinaw, Michigan, under the direction of the Secretary of War.

SEC. 4. That the provisions of the act of August eighteenth, eighteen hundred and fifty-six, relative to military reservations in the State of Florida, and the sixth section of the act of June twelfth, eighteen hundred and fifty-eight, relative to the sale of military sites, be, and the same are hereby, repealed.

SEC. 5. Whenever any lands containing valuable mineral deposits shall be vacated by the reduction or abandonment of any military reservation under the provisions of this act, the same shall be disposed of exclusively under the mineral land laws of the United States.

SEC. 6. The Secretary of War shall have authority, in his discretion, to permit the extension of State, county, and Territorial roads across military reservations; to permit the landing of ferries, the erection of bridges thereon; and permit cattle, sheep, or other stock animals to be driven across such reservation whenever in his judgment the same can be done without injury to the reservation or inconvenience to the military forces stationed thereon.

Approved July 5, 1884.

EXHIBIT G.

[PUBLIC—No. 209.]

AN ACT To provide for the opening of certain abandoned military reservations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands not already disposed of included within the limits of any abandoned military reservation heretofore placed under the control of the Secretary of the Interior for disposition under the act approved July fifth, eighteen hundred and eighty-four, the disposal of which has not been provided for by a subsequent act of Congress, where the area exceeds five thousand acres, except such legal subdivisions as have Government improvements thereon, and except also such other parts as are now or may be reserved for some public use, are hereby opened to settlement under the public-land laws of the United States, and a preference right of entry for a period of six months from the date of this act shall be given all bona fide settlers who are qualified to enter under the homestead law and have made improvements and are now residing upon any agricultural lands in said reservations, and for a period of six months from the date of settlement when that shall occur after the date of this act: *Provided*, That persons who enter under the homestead law shall pay for such lands not less than the value heretofore or hereafter determined by

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appraisement, nor less than the price of the land at the time of the entry, and such payment may, at the option of the purchaser, be made in five equal installments, at times and at rates of interest to be fixed by the Secretary of the Interior.

SEC. 2. That nothing contained in this act shall be construed to suspend or to interfere with the operation of the said act approved July fifth, eighteen hundred and eighty-four, as to all lands included in abandoned military reservations hereafter placed under the control of the Secretary of the Interior for disposal, and all appraisements required by the first section of this act shall be in accordance with the provisions of said act of July fifth, eighteen hundred and eighty-four.

Approved, August 23, 1894.

EXHIBIT H.

[PUBLIC—No. 51.]

AN ACT To amend and extend the provisions of an act entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," approved August twenty-third, eighteen hundred and ninety-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act approved August twenty-third, eighteen hundred and ninety-four, entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," are hereby extended to all abandoned military reservations which were placed under the control of the Secretary of the Interior under any law in force prior to the act of July fifth, eighteen hundred and eighty-four.

SEC. 2. That the preference right of entry given to actual settlers by the terms of the act to which this is an amendment shall, so far as the lands to which the provisions of said act are extended, take effect and continue for six months from the date of this amendatory act.

Approved, February 15, 1895.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 505.

NAVAL APPROPRIATION BILL.

MAY 12, 1914.—Ordered to be printed.

Mr. THORNTON, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 14034.]

The Committee on Naval Affairs, to which was referred the bill (H. R. 14034) making appropriations for the naval service, and for other purposes, having duly considered the same, report it with amendments.

The following table gives a comparative statement of the appropriation for 1914, the estimates for 1915, and the amount recommended in this bill:

Naval service, 1915.

Amount of the estimate for 1915	$144,493,553.53
Amount as reported to the House	139,964,333.61
Amount as passed by the House	139,808,333.61
Amount as reported to the Senate	140,990,833.61
Amount added to the House bill	1,182,500.00

Total amounts of annual naval appropriation acts for each year from act of Mar. 3, 1883, to and including act of Mar. 4, 1913.

1883 (47-2)	$14,819,976.80	1899 (55-3)	$56,098,783.68
1884 (48-1)	15,894,434.23	1900 (56-1)	48,099,969.58
1885 (48-2)	14,980,472.59	1901 (56-2)	65,140,916.67
1886 (49-1)	15,070,837.95	1902 (57-1)	78,101,791.00
1887 (49-2)	16,489,907.20	1903 (57-2)	81,876,791.43
1888 (50-1)	25,767,348.19	1904 (58-2)	97,505,140.94
1889 (50-2)	19,942,835.35	1905 (58-3)	100,336,679.94
1890 (51-1)	21,692,510.27	1906 (59-1)	102,091,670.27
1891 (51-2)	24,136,035.53	1907 (59-2)	93,958,507.76
1892 (52-1)	31,541,654.78	1908 (60-1)	122,663,885.47
1893 (52-2)	23,543,385.00	1909 (60-2)	136,935,199.05
1894 (53-2)	22,104,061.38	1910 (61-2)	131,350,854.38
1895 (53-3)	25,327,126.72	1911 (61-3)	126,478,338.24
1896 (54-1)	29,416,245.31	1912 (62-2)	123,225,007.76
1897 (55-1)	30,562,660.95	1913 (62-3)	140,800,643.53
1898 (55-2)	33,003,234.19		

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 506.

PLACING CERTAIN OFFICERS OF THE ARMY ON THE RETIRED LIST.

MAY 12, 1914.—Ordered to be printed.

Mr. THOMAS, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 4500.]

The Committee on Military Affairs has had under consideration the bill (S. 4500) to place certain officers of the Army on the retired list, and report it back to the Senate with the recommendation that it do pass.

This bill will apply to one officer, Brig. Gen. Frank D. Baldwin, retired. His record of service is as follows:

He served as second lieutenant, first lieutenant, and captain in the Michigan Volunteers during the Civil War, from September 19 to November 22, 1861, and from August 12, 1862, to June 10, 1865. He accepted an appointment as first lieutenant of Infantry, Regular Army, May 10, 1868; was promoted to captain March 20, 1879; major April 26, 1898; lieutenant colonel December 18, 1899; and to colonel July 26, 1901. He was appointed brigadier general, United States Army, June 9, 1902, and was retired by operation of law on account of age June 26, 1906. During the War with Spain he served under an appointment of lieutenant colonel and inspector general of Volunteers from June 20, 1898, to May 12, 1899, and participated in the Cuban campaign. He served in the Philippine Islands from March, 1900, to April, 1903, and was commended for conspicuous and gallant conduct in several engagements during that period. He was awarded a medal of honor for distinguished bravery in the Battle of Peach Tree Creek, Ga., July 20, 1864, while serving as a captain with his regiment, the Nineteenth Michigan Volunteers. He was awarded a second medal of honor for most distinguished gallantry in action against hostile Indians near McLellans Creek, Tex., November 8, 1874, in attacking hostile Indians with two companies, forcing them from their strong position and pursuing them until they were routed, while serving as first lieutenant, Fifth Infantry. He was brevetted captain, United States Army, February 27, 1890, for

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gallant services in action against Indians in Texas, August 30 and November 8, 1874, and major, United States Army, same date, for a gallant and successful attack on Sitting Bull's camp of Indians on Red Water River, Mont., December 18, 1876, and conspicuous gallantry in action at Wolf Mountain, Mont., January 8, 1877. His appointment as brigadier general was recommended by Gens. Miles, Shafter, Chaffee, McArthur, Bates, Grant, and Breckenridge. In 1904 and 1905 Gen. Baldwin applied and was recommended for appointment as major general by Gens. Wheaton, Sumner, and Bates, and by several Senators. It will be noted from the foregoing record that Gen. Baldwin's services have been most excellent, and your committee believes him worthy of the distinction to be accorded him under the terms of the bill.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 508.

ANNULLING PROCLAMATION CREATING CHUGACH NATIONAL FOREST.

MAY 12, 1914.—Ordered to be printed.

Mr. PITTMAN, from the Committee on Territories, submitted the following

REPORT.

[To accompany S. 1887.]

Mr. Pittman, from the Committee on Territories, to whom was referred the bill (S. 1887) to annul the proclamation of the President of the United States made upon the 18th day of September, in the year 1907, withdrawing from the public domain certain lands and creating the Chugach National Forest, begs leave to report it back with the recommendation that it do pass.

The committee had a complete hearing on the matter involved in this bill during the hearings on the Alaska Railroad bill. Mr. Henry S. Graves, Forester and Chief of the Forest Service, testified fully with regard to the matter. From such testimony the committee finds the following facts:

The reserve contains 11,000,000 acres and blankets the whole coast of Alaska from Cook Inlet to Controller Bay. It contains only 8,483,000,000 feet of timber, which amounts to only 771 feet per acre. The timber is of an inferior grade, is unfit for export and can not compete with the timbers of the United States. The only demand for such timber is for purely local use by prospectors, miners, and farmers in the development of the Territory. The amount of such timber annually used for such purposes will have little effect in diminishing the quantity of such timbers. The total amount sold by the Government during the last year for which we have report was only $4,037.18. The Forest Service seeks an appropriation of $16,000 in the pending agricultural appropriation bill for the maintenance of such reserve. The forest serves no purpose for the protection of watersheds, as the watersheds consist of eternal glaciers. The services of the Forest Service are not required to prevent the

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destruction of the forests by fire, because of the excessive rainfall prevalent in this region.

By reason of such facts, the committee believes that the maintenance of the said forest reserve conserves no good public purpose while it is an interference with the proper administration of the other land laws of the United States, with the development of the Territory, and is an unnecessary expense to the Government.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 509.

PUBLIC BUILDING AT DURANGO, COLO.

MAY 12, 1914.—Ordered to be printed.

Mr. BRADY, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 1220.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 1220) to increase the limit of cost of the public building authorized to be constructed at Durango, Colo., having considered the same, beg to report thereon with the recommendation that the bill pass.

The act of March 4, 1913, authorized the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices at Durango, Colo., at a limit of cost of $100,000. This amount was found to be insufficient to construct a building suitable for the accommodation of the post office, land office, Forest Service, Weather Bureau, Civil Service Commission, and Internal-Revenue Service.

A report from the Secretary of the Treasury shows the following figures are now being paid for annual rental:

Land office	$720
Forest Service	420
Weather Bureau	318
Post office (including heat and light)	1,350

It shows further that the receipts for the fiscal year 1913 for Durango post office were $18,811.23. Receipts for fiscal year 10 years ago were $13,897.91, making an increase of $4,913.32.

The last census gives the population of Durango 4,668, while the latest statement from the postmaster of that city reports 7,000 patrons are now being served from that office.

The additional $50,000 is asked for in order that a suitable building may be provided to accommodate the above-mentioned offices.

Having considered these facts carefully, the committee begs to report the bill favorably.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 511.

LOBSTER-REARING STATION ON ATLANTIC COAST.

MAY 13, 1914.—Ordered to be printed.

Mr. JOHNSON, from the Committee on Fisheries, submitted the following

REPORT.

[To accompany S. 4725.]

The Committee on Fisheries, having considered the bill (S. 4725) providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast, recommend that it do pass without amendment.

This bill was introduced at the request of the Department of Commerce. The necessity for its passage is set forth in the correspondence hereto attached and made a part of this report, being letters from department officials to the chairman of the committee, and to Senator Johnson, a member of the committee.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 12, 1914.

MY DEAR SENATOR: The department is in receipt of your letter of the 10th instant, inclosing a copy of Senate bill 4725, providing for the establishment of a lobster-rearing station at some point on the Atlantic coast. In response to your request for a report as to the desirability of the passage of this bill, I beg to advise that the department is strongly in favor of the establishment of such a station. The importance of the matter is set forth in the Annual Report of the Commissioner of Fisheries to the Secretary of Commerce for the fiscal year 1913 (p. 75), as follows:

"More than 10 years ago the bureau, with the aid of a special appropriation from Congress, devised and carried to a successful stage of perfection a feasible method of rearing lobsters. This work was undertaken in the well-founded belief that lobster culture would and should be made more effective by carrying the newly hatched young beyond the helpless free-swimming age to the point where they develop their crushing claws, go to the bottom, and assume the form and habits of the adults.

"The Government has never made any use of the knowledge thus acquired, but the State of Rhode Island, continuing the experimental work, has achieved marked success and has demonstrated the practicability of the method when employed on a large scale.

"As an aid to an industry that is in a critical state, it is recommended that Congress be asked to provide for a lobster-rearing station, either as an independent plant or

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as an adjunct of one of the existing marine hatcheries of the bureau. For this purpose a sum not exceeding $20,000 would be required for construction and for operating expenses for one year. No facilities for holding and rearing young lobsters now exist at any of the established stations."

Very truly, yours,

(Signed) E. F. SWEET,
Acting Secretary.

Hon. JOHN R. THORNTON,
Chairman Committee on Fisheries,
United States Senate, Washington, D. C.

MAY 8, 1914.

MY DEAR SENATOR: By direction of the Secretary of Commerce and in accordance with the request of the Chairman of the Senate Committee on Fisheries as embodied in his letter of the 6th instant to the Secretary, I beg to make the following statement regarding the appropriation deemed to be necessary for the establishment of a lobster-rearing plant as provided for in your bill, S. 4725. In my report to the Secretary of Commerce for the fiscal year 1913, mention was made of the sum of $20,000 as sufficient to construct a plant and operate it for one season. This amount, however, was intended to include only the actual machinery for holding and caring for the lobsters during the early, free-swimming stages preceding the fourth molt; and no account was taken of the cost of a site, if one had to be purchased, and of the various buildings necessary for the accommodation of employees and the conduct of the business affairs of the station. While it may be feasible to use for the proposed rearing plant land already belonging to the Government, it is not improbable that a much more favorable site for special work of this character may be found and in that event a suitable sum of money should be provided for its acquisition. Lobster rearing presents problems that do not come up in ordinary lobster hatching, and great care must be exercised in providing suitable physical conditions on which the entire success of the plant would depend.

Very truly, yours,

H. M. SMITH, *Commissioner.*

Hon. CHARLES F. JOHNSON,
United States Senate, Washington, D. C.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 512.

RIGHT OF WAY ACROSS FISH RESERVATION, BAIRD, CAL.

MAY 13, 1914.—Ordered to be printed.

Mr. JOHNSON, from the Committee on Fisheries, submitted the following

REPORT.

[To accompany H. R. 5884.]

The Committee on Fisheries, to whom was referred the bill (H. R. 5884) granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal., having considered the same, recommend that it do pass.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 513.

COPPINGER LAND GRANT, CALIFORNIA.

MAY 14, 1914.—Ordered to be printed.

Mr. WORKS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 4004.]

The Committee on Public Lands, to which was referred the bill (S. 4004) for the relief of the claimants to the Coppinger grant, in the county of San Mateo, State of California, and all other persons claiming title to portions of said grant by mesne conveyances from Juan Coppinger, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do not pass.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 515.

CONSTRUCTION OF WAGON ROADS OVER THE PUBLIC LANDS OF THE UNITED STATES.

MAY 14, 1914.—Ordered to be printed.

Mr. CLARK of Wyoming, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 740.]

The Committee on Public Lands, to which was referred the bill (S. 740) to promote and encourage the construction of wagon roads over the public lands of the United States, having had the same under consideration, beg leave to report it back to the Senate with the following amendments:

Page 1, in lines 11 and 12, strike out the words "one hundred" and insert in lieu thereof the word "fifty."

Page 3, after line 5, add the following:

SEC. 7. Any road located, constructed, or operated under the provisions hereof shall be open and free for use by the public, and no tolls or other charges shall be levied for the use thereof, and the upkeep and operation thereof shall at all times be under the direction and control of the highway authorities of the county or counties within which such road shall be situate.

As thus amended the committee recommend that the bill do pass.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 518.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

MAY 15, 1914.—Ordered to be printed.

Mr. MARTIN of Virginia, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 15279.]

The Committee on Appropriations, to whom was referred the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, reports the same to the Senate with various amendments, and in that connection presents herewith the following information:

LEGISLATIVE, 1915.

Amount of estimates for 1915	$39, 633, 249. 70
Amount of House bill	36, 532, 109. 70
Increase recommended by Senate committee (net)	706, 169. 00
Amount as reported to the Senate	37, 238, 278. 70
Amount of legislative act for 1914	35, 172, 434. 50
Amount of legislative, etc., items appropriated for in other acts	1, 151, 292. 50
Total legislative, etc., appropriations for 1914	36, 323, 727. 00
The bill as reported is less than the estimates for 1915	2, 394, 971. 00
The bill as reported exceeds the appropriations for 1914	914, 551. 70

The changes in amounts of House bill recommended by the committee are as follows:

INCREASE.

Senate (net)	$108, 620. 00
House of Representatives, mileage	87, 500. 00
Library of Congress:	
Building and grounds	3, 120. 00

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Civil Service Commission:	
Salaries	$500.00
Establishment and maintenance of system of efficiency ratings	15,000.00
Examination of fourth-class postmasters	16,890.00
	32,390.00
Department of State:	
Salaries	1,800.00
Treasury Department:	
Office of the Secretary	5,250.00
General Supply Committee	11,050.00
Division of Printing and Stationery	2,260.00
Office of the Comptroller of the Treasury, law books	500.00
Office of Auditor for Interior Department	14,000.00
Office of the Treasurer (including $2,300 for two employees transferred from office of assistant treasurer at San Francisco)	6,300.00
Expenses of special examinations of national banks and bank plates, etc	3,200.00
Office of Commissioner of Internal Revenue	500.00
Office of the Director of the Mint	3,000.00
Freight on bullion and coin	20,000.00
Office of Surgeon General of the Public Health Service	2,170.00
	68,230.00
Collecting internal revenue—	
Salaries and expenses of collectors, deputy collectors, clerks, messengers, etc	40,000.00
Mints and assay offices—	
Denver (Colo.) mint	5,200.00
Carson (Nev.) assay office	9,200.00
Boise (Idaho) assay office	9,700.00
Deadwood (S. Dak.) assay office	9,200.00
Helena (Mont.) assay office	9,900.00
Salt Lake City (Utah) assay office	9,200.00
Seattle (Wash.) assay office	3,600.00
	56,000.00
Government in the Territories:	
Territory of Alaska	1,200.00
War Department:	
Office Chief, Quartermaster Corps	650.00
Navy Department:	
Office of the Secretary	1,400.00
Hydrographic Office	200.00
	1,600.00
State, War, and Navy Department Building:	
Renovation of plumbing system	45,000.00
Mail delivery service, etc	5,000.00
Rewiring rooms, etc	32,000.00
	82,000.00
Department of the Interior:	
Office of the Secretary	1,200.00
Old Post Office Department Building	680.00
Office of the Assistant Attorney General	13,500.00
General Land Office	19,000.00
Pension Office	12,500.00

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Department of the Interior—Continued.	
Patent Office	$2,500.00
Bureau of Education	5,700.00
	55,080.00
Department of Justice:	
Office of the Attorney General	23,850.00
Department of Commerce:	
Office of the Secretary	720.00
Census Office—	
Securing information for census reports	90,000.00
Bureau of Foreign and Domestic Commerce:	
Commercial attachés	100,000.00
Steamboat Inspection Service	3,200.00
Shipping service, contingent expenses	2,000.00
Enforcement of navigation laws	5,000.00
Rent	2,559.00
	203,479.00
Department of Labor:	
Bureau of Immigration, salaries	4,500.00
Rent	4,500.00
	9,000.00
Total increase	774,519.00

DECREASE.

House of Representatives, miscellaneous items and expenses of special and select committees	$37,500.00
Treasury Department:	
Division of Revenue-Cutter Service	200.00
Office of disbursing clerks	400.00
Office of Register of the Treasury	2,500.00
Life-Saving Service (net)	50.00
	3,150.00
Office of assistant treasurer at San Francisco, Cal. (two employees transferred to office of the Treasurer of the United States)	2,300.00
Government in the Territories:	
Territory of Hawaii	1,500.00
War Department:	
Office of Bureau of Insular Affairs	200.00
Navy Department:	
Nautical Almanac Office, pay of computers on piecework	7,000.00
Post Office Department:	
Washington, D. C., new post-office building	14,700.00
Department of Commerce:	
Compensation and per diem of special attorneys, special examiners, and special agents, etc	2,000.00
Total decrease	68,350.00
Net increase recommended by the committee	706,169.00
Amount of the bill as reported to the Senate	37,238,278.70

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Amount of legislative, executive, and judicial appropriation acts, fiscal years 1886 to 1914, inclusive.

1886	$21,376,708.70
1887	20,654,346.37
1888	20,745,023.67
1889	20,758,178.07
1890	20,843,615.81
1891	21,030,752.75
1892	22,027,674.75
1893	21,900,132.97
1894	21,865,802.81
1895	21,305,583.29
1896	21,891,718.08
1897	21,519,324.71
1898	21,690,766.90
1899	21,625,846.65
1900	23,410,840.79
1901	24,175,652.53
1902	24,594,968.85
1903	25,396,681.50
1904	27,598,653.66
1905	28,558,258.22
1906	29,136,752.06
1907	29,681,919.30
1908	32,126,333.80
1909	32,832,913.50
1910	32,007,049.00
1911	34,158,767.00
1912	35,378,149.85
1913	34,216,463.38
1914	35,172,434.50

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Calendar No. 453.

63D CONGRESS, 2d Session. | SENATE. | REPORT No. 519.

INDIAN APPROPRIATION BILL.

MAY 15, 1914.—Ordered to be printed.

Mr. ASHURST, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 12579.]

The Committee on Indian Affairs, to which was referred the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, respectfully reports the same back with sundry amendments, and as so amended recommends its passage.

By various amendments there have been incorporated in the bill increases amounting to $1,108,045.94. The items of increase are as follows:

GENERAL.

Survey and allotment	$50,000.00
Relief of distress and prevention of disease	50,000.00
Support of schools not otherwise provided for	60,000.00
Construction, lease, and repair school agency buildings	80,000.00
Industrial work, care of timber, etc	100,000.00
Expenses Board of Indian Commissioners	21,000.00
Pay of Indian police	50,000.00
Pay of special agents	8,550.00
Six Indian Service inspectors	30,000.00
Salary increase, Commissioner of Indian Affairs	2,500.00
Accounting system, Commissioner of Indian Affairs	10,000.00
Total	462,050.00

ARIZONA AND NEW MEXICO.

Papago School facilities, Arizona	50,000.00
Colorado River bridge at Topock, Ariz	25,000.00
Improvement of water system, Papago Indians, Arizona	15,600.00
Purchase of lands, Camp Verde Indian School, Ariz	20,000.00

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Support and education Indian school at Albuquerque, N. Mex	$33,000.00
Support and education Indian school at Santa Fe, N. Mex	[1] 5,700.00
Total	149,300.00

CALIFORNIA.

Support and civilization, Indians in California	8,000.00
Purchase of lands for homeless Indians	10,000.00
Support and education, pupils at Sherman Institute, Riverside, Cal	15,400.00
Support and education, Indian pupils, Fort Bidwell Indian School, Cal	5,000.00
Appropriation for W. H. Stanley and Selso Serrano	6,000.00
Total	44,400.00

IDAHO.

New buildings and equipment, sanatorium at Fort Lapwai, Idaho	40,000.00
Pay of employees of Nez Perce Agency	5,500.00
Reimbursement to M. D. Colgrove, superintendent Coeur d'Alene Agency	6.00
Total	45,506.00

IOWA.

Expenses of the Sac and Fox Agency	1,000.00

KANSAS.

Support of Indian school, Haskell Institute, Lawrence	32,500.00

LOUISIANA.

Chettimanchi Tribe of Indians	1,500.00

MICHIGAN.

Support of Indian school, Mount Pleasant	30,175.00
Pay of employees, Mackinac Agency	3,600.00
Total	33,775.00

MINNESOTA.

Payment to high-school teachers, White Earth	6,000.00

MONTANA.

Indian support and civilization, Flathead Agency	3,000.00
Indian support and civilization, Fort Peck Agency	5,000.00
Indian support and civilization, Blackfeet Agency	5,000.00
Payment to school trustees, Flathead County	471.60
Reimbursement to widow of George A. Miller	200.00
Total	13,671.60

NEBRASKA.

Support of Indian school, Genoa	20,800.00
Expenses, Omaha and Winnebago Agencies	6,040.00
Total	26,840.00

[1] This item of $5,700 is error, due to mistake in House figures of $4,000. See House bill, p. 26, lines 6 to 10.

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NEVADA.

Support of Indian school, Carson City	$12,400.00

NEW YORK.

Expenses of New York Agency	2,500.00

NORTH DAKOTA.

Support and civilization, Turtle Mountain Chippewas	4,000.00
Support and education, Fort Totten Indian School	8,000.00
Support and education, Wahpeton Indian School	47,000.00
Assistance to Turtle Mountain Indians	25,000.00
Headstone for grave of Scarlet Crow, a Sioux Indian chief	100.00
Total	84,100.00

OKLAHOMA.

Support and education, Indian school, Chilocco	18,000.00
Pay of employees, Sac and Fox Agency	2,060.00
Pay of employees, Seneca Agency	1,500.00
Reimbursement to Mr. Gabe Parker	286.00
Women's Board of Domestic Missions, Reformed Church in America, reimbursement	10,000.00
Relief of Mrs. Robert Leo Bowman	5,000.00
Payment to William Volz for horse hire	65.50
Administration, Five Civilized Tribes	50,000.00
Cherokee Orphan Training School, Tahlequah	8,000.00
Six oil and gas inspectors, Five Civilized Tribes	25,000.00
Total	119,911.50

OREGON.

Support and education, Indian school, Salem	15,000.00

SOUTH DAKOTA.

Highway, Standing Rock Reservation, S. Dak	1,000.00
Support and education, Indian school, Flandreau	5,000.00
Support and education, Indian school, Pierre	3,500.00
Maintenance asylum for insane, Canton	5,000.00
Total	14,500.00

UTAH.

Pay of physician, Shivwitz School	500.00
Protection of Government bridge, Myton	200.00
Confederated bands of Ute Indians, seeds and agricultural implements	5,000.00
Total	5,700.00

WISCONSIN.

Relief of St. Croix Chippewa Indians	25,000.00
Support and education, Indian school, Hayward	2,000.00
Support and education, Indian school, Tomah	15,000.00
Total	42,000.00

WYOMING.

Relief of Rev. N. S. Thomas	391.84

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Recapitulation of gratuity increases.

General		$462,050.00
Arizona and New Mexico		149,300.00
California		44,400.00
Idaho		45,506.00
Iowa		1,000.00
Kansas		32,500.00
Louisiana		1,500.00
Michigan		33,775.00
Minnesota		6,000.00
Montana		13,671.60
Nebraska		26,840.00
Nevada		12,400.00
New York		2,500.00
North Dakota		84,100.00
Oklahoma		119,911.50
Oregon		15,000.00
South Dakota		14,500.00
Utah		5,700.00
Wisconsin		42,000.00
Wyoming		391.84
		1,113,045.94
Less error, House appropriation, Indian school Santa Fe, N. Mex	$4,000.00	
Decrease, Colorado River bridge	1,000.00	
		5,000.00
Total increase gratuity appropriations		1,108,045.94

The committee has increased reimbursable appropriations in the amount of $1,058,080. In detail the amendments are as follows:

ARIZONA AND NEW MEXICO.

Development water supply, Navajo Indian Reservation, Arizona-New Mexico	$35,000.00
Irrigation, Papago Indian Reservation, Ariz	50,000.00
Promotion of civilization and self-support, Colorado River and Yuma Reservation, Ariz	50,000.00
Investigation of San Carlos project	50,000.00
Promotion of civilization and self-support, Mescalero Indians, New Mexico	200,000.00
Total	385,000.00

IDAHO.

Maintenance and operation, Fort Hall irrigation system	20,000.00
Promotion of civilization and self-support of Indians at Fort Hall Reservation	50,000.00
Total	70,000.00

MINNESOTA.

Fond du Lac Reservation, pay of assessments	13,080.00

MONTANA.

Irrigation system, Flathead Reservation	150,000.00
Purchase of cattle, Northern Cheyenne Reservation	50,000.00
Promotion, civilization, and self-support, Fort Peck Reservation	100,000.00
Promotion of civilization and self-support, Blackfeet Reservation	100,000.00
Promotion of civilization and self-support, Flathead Reservation	100,000.00
Total	500,000.00

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OKLAHOMA.

Payment to M. L. Mott	$682.42

OREGON.

Promotion of civilization and self-support, Warm Springs Reservation	100,000.00

WASHINGTON.

Irrigation, Wapato project, Yakima Indian Reservation	200,000.00

WYOMING.

Promotion of civilization and self-support, Shoshone Reservation	50,000.00

DECREASE.

The committee has decreased reimbursable appropriations in the amount of $300,000, as follows:

For encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, appropriated by the House, $400,000; allowed by committee in the sum of $100,000. Decrease, $300,000.

Summary of reimbursable increases.

Arizona and New Mexico	$385,000.00
Idaho	70,000.00
Minnesota	13,080.00
Montana	500,000.00
Oklahoma	682.42
Oregon	100,000.00
Washington	200,000.00
Wyoming	50,000.00
Total increases	1,318,762.42
Decrease in item, industry and self-support	300,000.00
Total net increase	1,018,762.42

The committee has authorized the withdrawal from tribal funds in certain instances and in others has increased the amounts authorized by the House of Representatives to be withdrawn from such funds, as follows:

MICHIGAN.

Payment to Joseph Bradley from Saginaw, Swan Creek, and Black River Bands of Chippewa Indians	$30.65

MINNESOTA.

Chippewa Indians of Minnesota, expenses of delegation to Washington	1,500.00
Expenses Chippewa Indian Council at Bemidji	1,500.00
Construction of three hospitals, Chippewa Indian Reservation	25,000.00
Total	28,000.00

OKLAHOMA.

Purchase of property known as Hargrove College, Chickasaw tribal funds	16,500.00
Expenses of distribution of Creek allotment	10,000.00
Expenses of National Council of Creek Nation	10,000.00
Total	36,500.00

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UTAH.

Promotion of civilization and self-support, Confederated Bands of Ute Indians	$250,000.00

The committee has decreased the authority to withdraw funds in one instance, authorized by the House of Representatives, as follows:

Promotion of civilization and self-support among Chippewa Indians, Minnesota	$41,500.00

Summary of withdrawals, tribal funds.

Michigan	$30.65
Minnesota	28,000.00
Oklahoma	36,500.00
Utah	250,000.00
Total	314,530.65
Decrease in Minnesota Chippewa Indian withdrawal of tribal funds	41,500.00
Total net increase	273,030.65

The committee has authorized withdrawals from the funds of the Chippewa Indians, in the State of Minnesota, from time to time, within the discretion of the Commissioner of Indian Affairs, and payment thereof to individual members of the said tribe, not to exceed in the aggregate one-fourth of the amount which would be coming to the member of said tribe under a pro rata distribution of the permanent Chippewa tribal fund.

The committee has also authorized the payment, out of Creek tribal funds now on deposit in the Treasury of the United States, of a sum sufficient to equalize the allotments of all persons enrolled under the original Creek agreement, so that each individual may receive an amount which, added to the appraised value of land already allotted to him, will make an amount equal to $800, including the land heretofore allotted him.

The committee has authorized a per capita payment to the enrolled members of the Choctaw and Chickasaw tribes of Indians entitled to receive the same of $100 each, and to the enrolled members of the Cherokee tribe of Indians entitled to receive the same a payment of $15 each, out of the tribal funds now on hand.

Total increases.

Gratuity appropriations	$1,108,045.94
Reimbursable appropriations	1,018,762.42
Withdrawals, tribal funds	273,030.65
Total increase	2,399,839.01

ALLOTMENT WORK.

The amendment found on page 2, line 15, of the bill, increasing the appropriation from $150,000 to $200,000 for the survey, resurvey, classification, and allotment of lands under the provisions of existing law, is in accordance with the estimates of the department. The proviso for the surveys, to be made in accordance with the provisions

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for the survey and resurvey of public lands, is made necessary because of the decision of the comptroller, wherein he holds that this particular appropriation, after next July, will be permitted to be used for the purpose of payment of salaries of employees in the General Land Office, which is charged under the law with the duty of making surveys of Indian lands.

Many Indian reservations are unallotted, and the estimates of the department for the ensuing year call for the expenditure of the sum specified, $200,000. The justification for this item by the department is found on page 288 of the hearings on this bill before the Senate Committee on Indian Affairs.

IRRIGATION WORK.

(Bill, p. 3, line 15.)

This is the general item for irrigation work amongst the Indians. The appropriation provides for the general irrigation force of the Indian Office, the payment of salaries and expenses, as well as providing for the construction of small irrigation projects for Indians who are without funds. In other portions of the bill are found specific items for irrigation which are reimbursable. This item is a gratuity, excepting for the proviso: "That all moneys expended hereafter under this provision shall be reimbursable where the Indians have adequate funds to repay the Government, such reimbursements to be made under such rules and regulations as the Secretary of the Interior may prescribe." There is a further provision directing the Secretary of the Interior to apportion the cost of any irrigation project constructed for Indians and made reimbursable out of tribal funds of said Indians, in accordance with the benefits received by each individual so far as practicable from said irrigation project, said cost to be apportioned against each individual Indian under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

This legislative authority is necessary in order to meet certain conditions now existing on the reservations where the Government has expended large amounts of tribal funds and where only a part of the Indians of the reservations receive any benefit whatever from the use of their funds. As an example, on the Flathead Reservation the Government is constructing irrigation projects for the Indians and for the white people out of the Indian tribal funds, and only a minority of the Indians on that reservation will have their lands irrigated. We believe it only just and fair that those Indians who get their lands irrigated should pay the cost of the irrigation work. The plan is being developed by the department. Three hundred and forty-five thousand seven hundred dollars is required by the department. This item is not to be expended on any irrigation system or reclamation project for which specific appropriation is made in this or other acts of Congress. The Secretary of the Interior is directed to transmit to Congress annually a cost account in detail of all moneys expended upon each irrigation project for the preceding fiscal year, which statement shall give an exposition of the area under ditch, under project, actually cultivated by owners and lessees, cost per acre, value of land irrigated, and such other detailed

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information as may be requisite for an accurate understanding of the conditions on each system or project.

A further proviso is added to the effect that no project the expense of which is to be reimbursed by the Indians, estimated to cost $35,000 or more, shall be undertaken until the Indians whose funds it is proposed to use for such purposes shall have been consulted and they shall have been given a reasonable opportunity to express in writing their views thereon, either through their duly authorized business committees or through general councils or meetings of said Indians. (Hearings, pp. 189–200.) The total items representing expenditures for irrigation works, gratuitous and reimbursable, are $1,120,700. The discussions of the witnesses thereon cover pages 189–287 of the hearings before the committee, and in every case a proviso has been added protecting each individual Indian in the use of so much water as may be necessary to supply him for domestic, stock-watering, and irrigation purposes of land allotted or to be allotted him; and his failure to make beneficial use of such water shall not operate to defeat his right thereto. The item of $345,700 was allowed by the House. This amount was estimated by the department.

SUPPRESSION OF LIQUOR TRAFFIC.

(Bill, p. 5, line 25.)

The Senate Committee on Indian Affairs has increased the sum allowed by the House by the amount of $25,000. There is no more momentous question incident to the conduct of Indian affairs than the suppression of the liquor traffic. The present head of the Indian Bureau has emphasized the imperative necessity of efficient control of the Indians, and particularly the sentiment of that bureau is to use preventive measures in behalf of the Indians and punitory measures in punishing violators of the law, there being now 18 regular officers and 119 employees of the Indian Service and Department of Justice who are commissioned as special deputy marshals without compensation, and 21 who are special officers, whose salaries are paid from the appropriation of $100,000. This appropriation is to be used in 25 States. The hearings before the committee, pages 179–189, contain testimony respecting the use of drugs and the suppression of this habit. The sum appropriated by the committee is considered adequate as an allowance to the department for the current year.

RELIEVING DISTRESS AND PREVENTION OF DISEASE.

(Bill, p. 6, line 1; hearings, pp. 171–177, 440–444.)

Amount appropriated, $310,000; estimated by department, $200,000; appropriated by the House, $260,000. This item was increased by $50,000 over the sum allowed by the House, and this provision was added:

Provided, That not to exceed $100,000 of the amount herein appropriated may be expended in the erection, equipment, and maintenance of camp and pavilion hospitals for the use of Indians afflicted with tuberculosis or trachoma. No hospital shall be constructed at a cost to exceed $12,500. Said sum to be immediately available and to remain available until expended. Said hospital to be constructed in the open market under the supervision of the Commissioner of Indian Affairs.

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The item is found on page 6, line 12, of the bill, and it appears from the justification therefor submitted by the department that there are employed a medical supervisor and assistants, 200 doctors, 68 nurses, and about 76 matrons, all of whom have charge of the medical service. About 20 per cent of the Indians are afflicted with eye trouble, and about 12 per cent of them are tubercular. In the treatment of the latter affliction a system of hospitals is provided for, and $100,000 is allowed for that purpose, to be expended in the erection, equipment, and maintenance of camp and pavilion hospitals. No hospital is to be constructed at a cost to exceed $12,500. It is designed by this method to give the Indians afflicted with the diseases mentioned the most modern treatment known to medical science and to relieve the distress occasioned by their illness at hospitals, constructed so that the patients will have the benefit of open air and sunshine.

The plan of the department with respect to the proposed treatment is outlined as follows:

Outline of Proposed Medical Work.

In order to improve sanitary and health conditions it is proposed to carry out the following outline:

EDUCATIONAL WORK.

(1) *Among Indian school pupils.*—Easel charts on tuberculosis, house fly and mosquito, oral hygiene, sanitary housekeeping, water supplies, trachoma, care of infants, personal cleanliness, care of milk, disposal of excreta, garbage, etc.

Mounted photographic exhibits: Spread of disease, public drinking cup, etc.; hygiene, spitting, sanitation (with mottoes to accompany pictures).

Opaque projection illustrative material, in sets, containing photographs, mounted mottoes (printed on typewriter or press), cartoons, mounted pictures (cut from magazines), posters, typewritten lecture of explanation.

Press bulletins on communicable diseases of seasonable occurrence to be released for publication in school journals prior to usual occurrence of the disease. School pupils and older Indians.

Pamphlets on health subjects to be published and distributed.

Cartoons on prevention of diseases, sanitation, and hygiene to be prepared and published in school journals.

Illustrated cards containing pictures and mottoes to be distributed to ex-students by nonreservation schools and inclosed in official correspondence to old Indians.

Stereopticon slides and moving pictures illustrating oral hygiene, care of infants, water supplies, method of spread of communicable diseases, sanitary production of milk, mosquitoes and flies, sewage and garbage disposal, housekeeping methods, model homes. (Above sets to include proper and appropriate attractive mottoes of explanation.)

(2) *Among employees.*—Reference libraries on practical hygiene, sanitation, prevention of diseases, domestic economy, and home making.

Medical journals and textbooks for physicians.

Health literature for nurses and field matrons.

PROSPECTIVE HEALTH WORK.

(1) *Tuberculosis campaign.*—Preventive measures. Open-air schools and classes, screen porches on dormitories and hospitals, playground apparatus for schools, special diet tables for delicate children.

Treatment: Maintenance of Phoenix Sanatorium School, maintenance of Laguna Sanatorium, maintenance of Fort Lapwai Sanatorium School, maintenance of Tuberculosis Sanatorium School at Toledo, Iowa; establishment of hospitals for local treatment of tuberculosis and trachoma cases on reservations; establishment of tents or tent cottages for tuberculosis cases on reservations; provision for subsistence and care of tuberculous Indians treated in tent cottages on reservations; salaries of field physicians, salaries of field assistants.

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(2) *Trachoma work.*—Salaries of field physicians, expenses of field physicians, salaries of field nurses, regular and temporary; expenses of field nurses, purchase of drugs, instruments, and supplies for field work; special medical textbooks and magazines for ophthalmologists, rent of temporary dispensaries for trachoma work, subsistence and expenses of reservation Indians under treatment for eye diseases.

FIELD SANITARY WORK.

(1) *Improvement of Indian homes.*—Lending assistance in the establishing in homes of wooden floors, two-sash windows, additional rooms in overcrowded houses, sanitary toilets, door and window screens, open fireplaces for ventilation, bedsteads, dining tables, food and dish cabinets, covered garbage pails and refuse crematories, establishing score-card system for inspection of Indian homes; furnishing plans for sanitary homes to superintendents for Indians.

(2) *Improvement of method of disposal of sewage, excreta, and household waste.*—Building L. R. S. privies at day schools, field matron's houses, and Indian villages; sending models of L. R. S. privies to large schools.

(3) *Improvement of water supplies.*—Introducing sanitary bubbling drinking fountains at all schools (including day schools); protecting springs and wells on reservation from surface contamination (by walling in, etc.); preventing contamination of streams.

ADMINISTRATIVE.

Appoint additional medical inspectors.
Increase number of regular and special physicians and nurses.
Increase clerical force in health section (Indian Office).
Obtain adequate salaries for physicians.
Obtain proper conveyances for physicians.

The Indian wards of the Government, living either on allotments held in trust or on Indian reservations, are not subject to the sanitary laws of the States in which they reside. Full authority should be vested in the Commissioner of Indian Affairs to take such action and make such regulations for the control of communicable diseases occurring among Indians on Indian land as he may prescribe.

Up to the present time there have been no congressional enactments specifically authorizing the commissioner to take coercive measures to enforce quarantine of Indians who refuse to take the necessary precautions to prevent the spread of trachoma and tuberculosis and other communicable diseases. On account of the excessive prevalence of these diseases among Indians, and the danger of their spread not only among the Indians themselves but to the white citizens in the community, it is the duty of the Government to take active steps to effectively check and control them.

Many Indians either refuse treatment for trachoma or fail to take precautions to prevent its spread after repeated advice from the physician or field matron. Advanced and open cases of tuberculosis likewise persist in habits and practices which result in the communication of their disease to others. Actively contagious cases of this sort, which are foci of infection and a menace to the health of the community, must be controlled if any rapid progress is to be made in checking these diseases.

Enactment of the proviso clause would also give undisputed authority for what is already being done in the way of quarantine and treatment of communicable diseases among pupils in Indian schools.

It is not contemplated that any harsh coercive measures, unwarranted by the conditions calling for action, will be taken in putting into effect the provisions of the authority granted in this clause.

Isolation and quarantine are authorized in all cases of contagious or infectious diseases, and while forcible removal is not authorized the plan of the department involves the seclusion of such cases, in close proximity but not in contact with members of the family and tribe, under appropriate restrictions. Thus the antagonism which is sometimes met with to hospital treatment by the Indians will be overcome. Open-air pavilions, screens, clean surroundings, and proper food will do much toward making every patient who recovers

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a propagandist amongst those he may afterwards find to be sufferers from such diseases, for the "open-air" cure. The attitude of confidence inspired by a method which combines sympathy and understanding with common sense will be quickly appreciated by the Indians, and the department is to be commended for the campaign which it has inaugurated with this and previous appropriations. Congress can well afford to be generous, and it is to be wished that the appropriation as increased will be allowed to stand. Kindly persuasion by the department and optimism and fresh air and frequent bathing will work much good among patients who when taught to be tractable to treatment for disease will easily learn to progress from recovery physically to cultivation of mind.

SUPPORT OF INDIAN DAY AND INDUSTRIAL SCHOOLS.

(Bill, p. 7, line 25; hearings, pp. 119–125.)

Appropriated, $1,500,000. Allowed by House, $1,440,000. Estimated by the department, $1,500,000. The increase is amply justified of $60,000, for it appears that the item includes provision for the support and education of deaf and dumb and blind Indian children, there being no provision, generally speaking, for that class now. An incomplete report submitted the committee shows 77 blind Indian children and 68 deaf and dumb. It is proposed to have special schools for this class of pupils or place them in some of the large schools already in existence. In some of the States the children can be placed in special institutions maintained by the States, but in most cases these institutions are crowded. A large number of these unfortunate children have been receiving no special educational care whatever, and the Indian Service wishes to make adequate provision for their education. The increase is very well justified.

The department has given a general outline of Indian educational work in the following letter:

MARCH 16, 1914.

Mr. MATTHEW K. SNIFFEN,
Recording Secretary Indian Rights Association,
Philadelphia, Pa.

MY DEAR MR. SNIFFEN: Referring to your informal request of a few days ago for a general description of Indian educational work, it is hoped that the following will give you the information you desire:

There are in the United States approximately 73,000 Indian children eligible for enrollment in school. Of this number over 27,000 are in Government schools under the direct control of the office of Indian Affairs; 3,200 pupils are educated by the Indian Office under contract with mission, private, and public schools; and 14,000 are in the public schools of eastern Oklahoma, in aid of which the General Government appropriated and disbursed through the Indian Office last year $300,000. Thus there is a total of 44,200 Indian pupils in schools under the control of the Indian Office.

In the Navajo and Papago countries, where it is estimated that there are at least 7,000 Indian children without school facilities, and on a few other Indian reservations additional school facilities must be provided by the Indian Office. Under a special appropriation of $100,000 in the current appropriation bill for increasing school facilities on the Navajo Reservation these schools are now being constructed.

Plans are also being made to increase school facilities for the Papagos.

For those Indian children who have access to the public schools, but will not attend; the office can do but little; but for those in States where they are not legally entitled to attend our field officials are encouraged to cooperate with the State authorities to effect their enrollment if practicable in the public schools; but if not, then in some other schools.

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There are maintained by the Indian Office 37 nonreservation boarding schools, with an enrollment of 10,702; 74 reservation boarding schools, with an enrollment of 9,523; and 216 day schools, with an enrollment of 7,359, an increase over the enrollment of 1912 of more than 3,000 pupils. This increase was due to the activities of superintendents and supervisors in encouraging Indian children to enter school, they having been instructed to exercise unusual diligence in such matters, and also to the growing interest in the educational welfare of their children manifested by Indian parents.

So far as practicable Indian schools adopt the course of study used in the public schools of their respective States. These courses, however, are modified to suit the needs of the Indian children, eliminating parts which are not essential, and thus providing additional time for industrial training. The course of instruction and training is, in an elementary way, very comprehensive. In addition to the usual eight grades of academic work, it offers to the girls both theoretical and practical domestic training of every kind pertaining to home making and keeping; and to the boys not only industrial training as related to agriculture and allied subjects, but definite trade courses as well. To take the entire academic course usually requires the average Indian boy or girl about 12 years, or about 3 years for each two grades. That it takes 12 years instead of 8, the time in which the average child in the public schools does the work, is due to several reasons. The English language must be learned, and because the Indian child's home and environment are so different from the new life into which he is introduced an almost entirely new vocabulary must be acquired. For these reasons his comparative progress during the first three or four years is quite slow. If the foundation work is properly done, the progress thereafter is much more rapid; however, by the time the child has completed the third or fourth grade he takes up regular industrial-training work and devotes one-half of each day to it. Therefore the number of years required to complete a grammar-school course, including the industrial training, is almost double the number required in the public schools.

During the first years in school pupils are taught basketry, mat weaving, sewing, and the performance of minor duties in connection with the care of the household. The preparation of a noonday luncheon furnishes an opportunity for the training of Indian girls in the preparation and serving of simple meals. The boys are taught gardening, the use of tools in connection with repair work, and the care of stock.

In the reservation boarding schools the girls are taught how to sew, launder, bake, and perform household duties, and the boys are given training in regular shopwork, the cultivation of the farm, dairying and stock raising, a farm being connected with each reservation boarding school.

In the nonreservation schools the girls are instructed in domestic science, and as an aid to this instruction there are frequently provided domestic science cottages, or rooms set apart, properly furnished, wherein a definite course in the household arts may be taken. At some schools where a separate cottage is provided, three or four girls are given an opportunity to furnish a cottage, arrange its equipment, purchase some provisions for use therein, prepare and serve meals, launder the linen necessarily used in the cottage, and attend to all the duties that must be performed in connection with maintaining such a home.

In other schools an outing system is maintained, which affords an opportunity for girls to receive training in typical American homes away from the school. In the outing system an Indian girl is taken into a home, not so much as a servant but as a member of the family, and performs just such duties as would a daughter of the family. She helps preserve foods, prepares them for the table, eats with the family, assists in all household duties, and very frequently attends public schools during a portion of the year. There has been found no other better training than can be received by a girl in an outing system of this character, where the patrons are interested in the moral welfare of the pupil. This latter condition is always obtained, for under the close supervision of the outing matrons no girl is placed in a home until it has been found to be entirely satisfactory from the standpoint of the girl's welfare. Boys also trained in the outing system take the place of the farmer's boy, performing the same duties as he would and under the same personal direction that a farmer would give his own son.

If an Indian boy has an allotment of land, he is advised ordinarily not to take a regular trade course, but to take such training in carpentry, simple blacksmithing, etc., as would be of value to a farmer, for it is expected that he will return to his allotment. However, in the nonreservation schools boys are

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given an opportunity to perfect themselves in some trade, and it is gratifying to note that many of them on leaving school, where they have no farms of their own to which they can return, are taking positions in commercial houses, factories, machine shops, and in the various trades. The larger schools are equipped to give instruction in carpentry and woodworking, blacksmithing and forging, electric and steam engineering, brick and stone masonry, plumbing, tailoring, painting, printing, baking, harness and shoe making, wagon making, cement work, gardening, and dairying.

There is at all schools a great amount of routine work necessary to properly maintain the school; however, superintendents are directed, in so far as it is practicable, not to keep pupils long at duties which have no educational or disciplinary value.

The office has heretofore maintained a commercial course at two of the schools, Haskell and Carlisle, and Indians have shown considerable aptitude for preparing themselves for clerical positions, as is shown by the large proportion of Indians holding clerical positions in the Indian Service. However, there has been difficulty in getting pupils up to a standard of efficiency in the use of English which will enable them to best profit by a commercial course, as a ready command of the English language and quite an extensive general knowledge of various subjects must be acquired before they can be expected to achieve marked success in clerical positions. It is hoped to bring a much larger number of Indian boys and girls to a place where a commercial course will qualify them for more of the clerical positions in the Indian Service.

In round numbers 5,700 persons are employed in the field service, about 30 per cent of whom are Indians. A little less than one-half of the total force is directly connected with school work.

Outdoor life is essential to the health of pupils. Playgrounds are available at all schools, and where homemade apparatus has not been provided the office has authorized the purchase of ample equipment for both boys and girls. Baseball, basket ball, and other forms of athletics are enjoyed at all the larger schools. The boys are organized also into military companies, and in order to effect a uniform system of drilling a pamphlet has been published for the use of employees reproducing the setting-up exercise portion of the manual for Infantry drills now used by the United States Army.

The total value of property belonging to Government Indian schools exceeds $13,000,000, and the annual expenditure for school purposes exceeds $4,500,000.

In addition to the 8,000 pupils enrolled in Indian day schools, there are over 22,000 Indian children who are housed, clothed, and fed during the entire year. This feature of the educational work must be kept in mind in making comparisons in cost with public-school education. The average city of 150,000 to 175,000 population has approximately this number—22,000—pupils in regular attendance at the day sessions. A comprehension of what the Indian Office must do to care for this number of pupils and the expense connected therewith may be had if one recalls that the Indian Office carries on regularly all the activities that are ordinarily put forth in such a city for the instruction, recreation, clothing, housing, and feeding of this number of pupils.

There is attached a statement showing the location, cost of maintenance, average attendance, and cost per capita of the nonreservation schools maintained by the Indian Office.

Respectfully,

E. B. MERITT, *Assistant Commissioner.*

CONSTRUCTION, LEASE, PURCHASE, REPAIRS, AND IMPROVEMENT OF INDIAN SCHOOL AND AGENCY BUILDINGS.

(Bill, p. 8, line 22; hearings, p. 128.)

Appropriated, $480,000 as estimated by the department. Allowed by the House, $400,000. This is a general item for the construction and repair of school and agency buildings. The present value of school and agency plants is about $5,000,000, according to the estimates of the department. The department includes in its estimate justification for the purchase of additional sites for day schools, these purchases being in many instances made from Indian allottees.

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The records show that the requisitions from the various superintendents of the 92 schools and agencies entitled to the benefits of this appropriation total $1,172,018. These estimates have been cut by the department to $480,000. In view of the large number of agency school buildings it is impossible to keep them in proper repair and construct such additional structures as may be absolutely necessary with a less appropriation than $480,000. The provision for supplying employees with the Indian Service who are furnished quarters necessary light and heat for such quarters free of charge, is in line with the custom heretofore established by the department.

INDUSTRIAL WORK, CARE OF TIMBER, FORESTS, AND EMPLOYMENT OF EXPERT FARMERS.

(Bill, p. 10, line 3; hearings, p. 4.)

Appropriated, $500,000; estimated, $500,000; allowed by the House of Representatives, $400,000. It appears that $400,000 was appropriated for the last fiscal year and that a balance remains of about $40,000. In explanation of this it is stated by the department that the primary purposes of the appropriation are salaries of employees and protection to timber. The usages obtaining have required that the portions allotted for salaries must not at any time be exceeded by the aggregate of all established positions. As it is impossible to keep all established positions filled by regular appointees, and as it is frequently impossible to employ temporarily for the outlying places where the isolation is frequently extreme, it follows that many small savings accrue at the different agencies. These savings can be utilized to establish other regular positions, hence serve to increase the unused balance at the close of the fiscal year. After establishing a sufficient number of men under the various jurisdictions to supervise timber operations and serve as guards and rangers, the greatest protection to the many reservation forests is accomplished by holding in reserve an emergency fund sufficient to employ large numbers of men to fight fires in the event of any extensive conflagrations. If the conflagrations fail to occur or are prevented by the regular force on duty this reserve fund remains unused to the close of the fiscal year.

This unexpended balance is made available for expenditure by the Commissioner of Indian Affairs in providing quarters for farmers and for such other industrial purposes as he may deem necessary. The money is thus made available to place practical farmers and stockmen in close proximity to the Indians, to bring home to them scientific and intelligent application of the best principles obtaining in the husbandry of live stock, and it is provided further in this amendment that none of the money made available shall be expended, after January 1, 1915, for the employment of any farmer or expert farmer whose salary shall be in excess of $50 per month, unless he shall first have filed with the Commissioner of Indian Affairs a certificate of competency certifying that he is a farmer of actual experience and qualified to instruct others in the art of agriculture, the said certificate to be certified and issued to him by the president of the State agricultural college or university of the State in which his services are to be rendered, or by the president of the State agricultural college or university of an adjoining State.

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The conservation of timber on reservation forest lands, the gradual training of the Indian farmer under proper instructors in cultivation of the soil, and the proper management of the farms held by Indian allottees is of prime importance. The increase in the appropriation of $100,000 is manifestly necessary, and it is urgently recommended that the Senate amendment be retained in the bill.

PURCHASE OF GOODS (INDIAN WAREHOUSES).

(Bill, p. 11, line 20; hearings, pp. 369–420.)

The item of $300,000 which appears in the bill at page 12 omits the proviso adopted by the House as follows: "*Provided*, That after July 1, 1914, no part of the sum hereby appropriated shall be used for the maintenance of warehouses in the Indian Service." The purchases of goods were originally made with little rule or regulation by agents of the Interior Department or the Indian Bureau, and consigned to agencies or schools direct, and inspected after receipt. This practice resulted in some extravagance and charges of fraud and was unsatisfactory and unsystematic. There gradually grew up a system of establishing warehouses to which goods might be shipped in bulk and inspected, whence they might be reshipped in small quantities to points of consumption. The result has been the establishment of a warehouse in New York, one in Chicago, one in St. Loius, one in Omaha, and one in San Francisco. Indian goods are purchased under this practice in large quantities and are shipped to those warehouses in such quantities as the estimate is made for their distribution. In those warehouses they are inspected, subdivided into convenient portions and thence shipped out to several hundred agencies and schools most conveniently located to the particular warehouse selected. The advantages may be stated as follows: First, the Government buys in the open by competition; second, it buys in large quantities. The result is that it buys at a much lower rate than the price for a particular agency or particular school. It appears also that the warehouses are located in an advantageous position for the shipment by railroads which were beneficiaries of land grants and give reduced rates in consequence.

Should the item be permitted to stand so that we would do away with warehouses, it is felt that certain savings now possible would be made impossible. If all the warehouses were abolished the Indian Bureau would be compelled to return to the "open-market" method of purchasing and shipping, depending on such inspection as it might be enabled to make at the factories or at destination. It is therefore highly necessary to good administration that the department should have what might be called shipping stations at places where goods could be inspected after their receipt before reshipping them out. It appears from statements made (Hearings, pp. 404–405) that of two thousand and odd purchases which the Indian Bureau made, statement of comparative cost of local prices against wholesale warehouse station prices, a net saving was produced in a year of $72,984.28. For example, on 95,000 yards of gingham, with New York delivery and freight considered, there was a unit saving to the Government of $0.24+, which amounted to $324 on that one item: 10,000 undershirts, men's balbriggan, light, of assorted sizes, there

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was a saving of $2,048; men's half hose, a saving of $197; 2,500 corduroy coats, a saving of $2,788. It appears from the testimony before the committee (Hearings, p. 407) that the Indian Bureau is purchasing its supplies on an average 25 to 40 per cent less than they can be purchased in local markets. It appears further that temporary rental of warehouses and temporary employees will cost more and be generally inefficient; and the warehouses being located in different portions of the country, there are experienced superintendents to keep constantly in touch with the large manufacturers and wholesale dealers and they are in position to stimulate and encourage competition. It is stated that, just as large dealers send out drummers to awaken trade, it is important for the Government to have its drummers in the persons of the superintendents to encourage people to bid. By having permanent warehouses throughout the country the competition thus developed results in a saving sufficient to pay each year the total cost of the warehouses, which now is about 3 per cent on the total amount of business that is handled through them.

It is therefore recommended that the present system of warehouses be continued.

BOARD OF INDIAN COMMISSIONERS.

(Bill, p. 12, line 14; hearings, pp. 360–370.)

The Board of Indian Commissioners was created by Congress in 1869. The legislation creating this board is as follows:

ACT OF APRIL 10, 1869 (16 STAT., 40).

* * * * * * *

And be it further enacted, That there be appropriated the further sum of two millions of dollars, or so much thereof as may be necessary, to enable the President to maintain the peace among and with the various tribes, bands, and parties of Indians, and to promote civilization among said Indians, bring them, where practicable, upon reservations, relieve their necessities, and encourage their efforts at self-support; a report of all expenditures under this appropriation to be made in detail to Congress in December next; and for the purpose of enabling the President to execute the powers conferred by this act, he is hereby authorized, at his discretion, to organize a board of commissioners, to consist of not more than ten persons, to be selected by him from men eminent for their intelligence and philanthropy, to serve without pecuniary compensation, who may, under his direction, exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act or any part thereof that the President may designate; and to pay the necessary expenses of transportation, subsistence, and clerk hire of said commissioners while actually engaged in said service there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of twenty-five thousand dollars, or so much thereof as may be necessary.

* * * * * * *

EXECUTIVE ORDER OF JUNE 3, 1869.

EXECUTIVE MANSION,
Washington, D. C., June 3, 1869.

A commission of citizens having been appointed, under the authority of law, to cooperate with the administrative departments in the management of Indian affairs * * * the following regulations will, till further directions, control the action of said commission and the Bureau of Indian Affairs in matters coming under their joint supervision.

The commission will make its own organization and employ its own clerical assistants * * *.

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The commission shall be furnished with full opportunity to inspect the records of the Indian Office and to obtain full information as to the conduct of all parts of the affairs thereof.

They shall have full power to inspect, in person or by subcommittee, the various Indian superintendencies and agencies in the Indian country * * *.

They are authorized to be present, in person or by subcommittee, at purchases of goods for Indian purposes, and inspect said purchases, advising with the Commissioner of Indian Affairs with regard thereto.

Whenever they shall deem it necessary or advisable that instructions of superintendents or agents be changed or modified, they will communicate such advice, through the office of the Commissioner of Indian Affairs, to the Secretary of the Interior, and, in like manner, their advice as to changes in modes of purchasing goods or conducting the affairs of the Indian Bureau proper. Complaints against superintendents or agents or other officers will, in the same manner, be forwarded to the Indian Bureau or Department of the Interior for action.

The commission will, at their board meetings, determine upon the recommendations to be made as to the plans of civilizing or dealing with the Indians, and submit the same for action in the manner above indicated; and all plans involving the expenditure of public money will be acted upon by the Executive or the Secretary of the Interior before expenditure is made under the same.

* * * * * * *

All the officers of the Government connected with the Indian Service are enjoined to afford every facility and opportunity to said commission and their subcommittees in the performance of their duties, and to give the most respectful heed to their advice within the limits of such officers' positive instructions from their superiors; to allow such commissioners full access to their records and accounts; and to cooperate with them in the most earnest manner, to the extent of their proper powers, in the general work of civilizing the Indians, protecting them in their legal rights, and stimulating them to become industrious citizens in permanent homes, instead of following a roving and savage life.

The commission will keep such records or minutes of their proceedings as may be necessary to afford evidence of their action, and will provide for the manner in which their communications with and advice to the Government shall be made and authenticated.

U. S. GRANT.

REVISED STATUTES OF THE UNITED STATES.

SEC. 2039. There shall be a Board of Indian Commissioners, composed of not more than ten persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation. (Apr. 10, 1869, 16 Stat., 40.)

SEC. 2041. The board of commissioners mentioned in section two thousand and thirty-nine shall supervise all expenditures of money appropriated for the benefit of Indians within the limits of the United States; and shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult the commission in making purchases of such goods. (July 15, 1870, 16 Stat., 360.)

SEC. 2042. Any member of the Board of Indian Commissioners is empowered to investigate all contracts, expenditures, and accounts in connection with the Indian Service, and shall have access to all books and papers relating thereto in any Government office; but the examination of vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment. (May 29, 1872, 17 Stat., 186.)

ACT OF MAY 17, 1882 (22 STAT., 70).

For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provision of the fourth section of the act of April 10, 1869, $4,700, to be distributed as follows, namely: For secretary, $2,000; for messenger, $600; for rent of office, $400; for traveling expenses of the commission, $1,500; and for contingent expenses of office, $200. And hereafter the commission shall only have power to visit and inspect agencies and other branches of the Indian Service, and to inspect goods purchased for said service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior.

* * * * * * *

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Following are the names and addresses of the members of the board:

George Vaux, jr., 1606 Morris Building, Philadelphia, Pa.

Merrill E. Gates, 1309 Rhode Island Avenue NW., Washington, D. C.

William D. Walker, 367 Elmwood Avenue, Buffalo, N. Y.

Warren K. Moorehead, Andover, Mass.

Samuel A. Eliot, 25 Beacon Street, Boston, Mass.

Frank Knox, Manchester, N. H.

Edward E. Ayer, Railway Exchange Building, Chicago, Ill.

William H. Ketcham, 1326 New York Avenue, New York, N. Y.

Daniel Smiley, Redlands, Cal.

I. B. Dockweiler, Los Angeles, Cal.

The provision of the act of 1869 has been complied with; the members of the board are "men eminent for their intelligence and philanthropy; serve without pecuniary compensation," and the present committee has appropriated the sum of $25,000, or so much thereof as may be necessary, to pay the necessary expenses of transportation, subsistence, and clerk hire of said commissioners while actually engaged in the performance of their duties. "The commission shall only have power to visit and inspect agencies and other branches of the Indian Service and to inspect goods purchased for said service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior."

The history of the board unfolds the following as its three principal functions:

I. To cooperate with the department in the purchase of supplies and award of contracts.

II. To act as a sort of tribunal, when requested, to investigate charges as to conditions among the Indians and to satisfy public opinion by its judgment, nonpartisan in character.

III. To visit and investigate Indian agencies and report thereon to the Secretary of the Interior, or the administration.

The board makes an annual report, and it appears from the report for 1913 that members of the board during that year visited the following tribes: Navajo, Papago, Mescalero, Pueblo, and Pima; that the chairman of the board spent several weeks, approximately one month, among the Five Civilized Tribes and in other parts of Oklahoma; and that investigations were conducted in Wisconsin and several parts of California. But $4,000 annually have been appropriated during recent years for the maintenance of the Board of Indian Commissioners. The result has been that members of the board have in many cases been under the necessity of expending money for traveling and other expenses which the fund provided by Congress was not sufficient to meet. The amount allowed by the House has been increased to the sum of $25,000, in order that the Board of Indian Commissioners may continue its work under more favorable auspices.

PAY OF INDIAN POLICE AND PURCHASE OF EQUIPMENT AND SUPPLIES FOR POLICE AT NONRATION AGENCIES.

(Bill, p. 12, line 14; hearings, pp. 421–429.)

Estimate of department, $200,000; appropriated by House, $150,000; Senate amendment, $200,000.

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Six hundred and forty-three policemen are being paid from this appropriation. They are helpful on the reservation in maintaining order, and their duties are prescribed by the Indian Office regulations; they are helpful in suppressing the liquor traffic; they go out and help in leasing matters, line riding, and help the superintendent in leasing of Indian lands; and, further, it gives the Indian full knowledge of the fact that he is helpful in administering Indian affairs, as well as training him in discipline and tractability. The department has prescribed certain rules and regulations, which are set forth as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, March 25, 1914.

To all employees in the Indian Service:

The following is an excerpt from my address to the conference of field supervisors on the evening of February 20, 1914:

"I believe that the greatest present menace to the American Indian is whisky. It does more to destroy his constitution and invite the ravages of disease than anything else. It does more to demoralize him as a man, and frequently as a woman. It does more to make him an easy prey to the unscrupulous than everything else combined. If I say nothing more to you to-night that leaves an impression, let it be this one thought: Let us save the American Indian from the curse of whisky.

"We have a force of men engaged in the suppression of the liquor traffic. That is their special business. But it is my business and it is your business to do everything we can without injecting ourselves offensively into the work of others or assuming a duty that is not properly ours to create an atmosphere and suggest conditions that will be helpful in this respect, and above all to be a personal object lesson, inviting the Indian to banish liquor rather than to be guilty of anything that may cause him to look upon one of us as a justification for doing that which leads him to the destruction caused by the use of whisky.

"There is nothing that could induce me, since I have taken the oath of office as Commissioner of Indian Affairs, to touch a single drop of any sort of intoxicating liquor, and this regardless of my attitude on the prohibition question.

"As a matter of good faith to our treaty relationships, to legislative enactments, to the Congress which appropriates $100,000 a year for the suppression of the liquor traffic among the Indians, we should do everything reasonably within our power to justify this appropriation and insure the best results obtainable. This accomplished, we have laid a substantial foundation for all of our work in solving the Indian problem and made a long step forward looking toward their equipment for the responsibilities of citizenship."

It is my great desire that every employee in the Indian Service shall realize the tremendous importance of the liquor suppression work and exert his best efforts and influence for the protection of the Indian from this his worst enemy.

I desire this letter to be regarded as a personal communication to every employee in the Indian Service and that it be seriously treated as such, and I especially request that on the 6th day of April, 1914, the same be read to the student body of every Indian school, including those under Government, mission, or private supervision.

Sincerely, yours,

CATO SELLS, *Commissioner.*

I am addressing the above letter to each of the 6,000 employees in the Indian Service.

The following are the general rules:

Every member of the police force must—

Render prompt obedience to superiors, be orderly and respectful in deportment, and refrain from profane, insolent, or vulgar language.

Wear the uniform of the police while on duty and at meetings for drill, and present a tidy appearance.

Attend punctually all meetings for instruction and drill.

Be well acquainted with the topography of the reservation, and so inform themselves as to the appearance of the cattle, wagons, and other property belonging on the reservation as to be able to identify them wherever found.

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Constantly patrol the districts assigned and not loiter in the cabins of Indians or settlers.

Give immediate notice of the arrival of strangers upon the reservation.

Obtain all possible information in regard to timber, cattle, and horse thieves, squatters, and liquor sellers in the vicinity, and vigilantly watch the movements of all suspicious characters and their associates, and make due report of the same.

Report marriages, deaths, and cases of severe sickness or accident.

Not only perform the regular duties assigned, in the regular hours allotted, but be ready for special service at any time.

No member shall receive or share, for his own benefit, any present, fee, or emolument for police service other than the regular compensation provided by the United States Government, except by permission of the agent, who must first obtain the approval of the Commissioner of Indian Affairs.

No member shall communicate to any person information which might enable parties to escape arrest or punishment or to secrete goods or other valuables stolen or embezzled; nor shall he communicate any information respecting orders which he has received, except by permission of his superiors.

No member shall be concerned, directly or indirectly, in any compromise or arrangement between a party suspected of crime and the party alleged to have been injured.

No member shall drink intoxicating liquor or enter any place where liquor is sold or furnished, except by order of his superior officers.

No member shall maltreat or use unnecessary harshness or violence toward a prisoner or other person.

No member shall leave the beat assigned him without permission or orders from his superior officer, unless he has a prisoner in custody.

No member shall sell, barter, exchange, pledge, loan, or give away the clothes, arms, or accouterments furnished him by the United States.

REMOVAL FROM OFFICE.

Any member of the police force may be removed from office—

For intoxication.

For willful noncompliance with rules or disobedience of orders.

For violent, insolent, or vulgar language or behavior.

For inefficiency.

For willful maltreatment or unnecessary violence.

For permitting or conniving at the escape of prisoners.

For absence from his post without leave.

For committing a crime or misdemeanor, or

For neglect of duty.

Upon the resignation, death, or discharge of a member of the police force his shield, emblem, and other insignia of office, also his arms and accouterments, must be delivered to the agent.

For a member of the police force to carelessly lose his shield, emblem, or other insignia of office, his arms or accouterments, or fail to immediately report such loss, will be considered a serious neglect of duty.

Complaints respecting arrests and detentions have created the necessity for the following amendment:

Provided, That hereafter no Indian shall be incarcerated in an agency jail unless a complete report or record of the offense or case is prepared and submitted to the superintendent of the reservation, or such official or officials as he may designate, and such report shall be made a part of the records of the agency office.

Under the instructions and rules which the present Commissioner of Indian Affairs has enforced, much improvement in the service of the Indian police may be anticipated. The amendment increasing the appropriation is well warranted and should be approved.

GENERAL EXPENSES, INDIAN SERVICE.

(Bill, p. 13, line 13; hearings, p. 532.)

The amendment, which increases the appropriation for general expenses of the Indian Service from $116,450 to $125,000, is found on page 13 of the bill. This is the amount asked by the department.

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Respecting matters of complaints from which investigations arise, it is necessary that many personal inspections be made. In the conduct of these investigations there is employed a force of special agents. The traveling and incidental expenses of said agents absorbs about 35 per cent of the fund requested. Direct inspections by the inspectors are essential to a proper determination of complaints and in order to obtain independent and disinterested views as to conditions. The increase of $8,550 in the amount appropriated by the House is fully warranted and it is recommended that the amount appropriated be allowed to stand.

SIX INDIAN-SERVICE INSPECTORS.

(Bill, p. 13, line 14; hearings, p. 532.)

This amendment providing for the sum of $30,000 for the services of six Indian Service inspectors is considered as essential by the committee. For many years complaints have generated in all classes with respect to conduct of Indian affairs. Almost every character of association, charitable and otherwise in nature, has been instituted to counsel, to watch, and to suggest as to the Government's policy in dealing with the dependent and independent Indians. The amendment allowing $30,000 for the purpose designated in the paragraph is recommended by the Department of the Interior and is needed in the service. (Hearing, pp. 532–542.)

AMENDMENT TO ACT OF MARCH 2, 1907. PAYMENTS TO BLIND, CRIPPLED, NEEDY, AND DESTITUTE INDIANS.

(Bill, p. 13, line 19.)

This is identical with H. R. 10382 passed by the House of Representatives May 5, 1914. From the House report (422 of Mar. 20, 1914, 63d Cong., 2d sess.) the following justification appears:

ALLOTMENT AND DISTRIBUTION OF INDIAN TRIBAL FUNDS.

The recommendation of the department respecting this bill is that the terms should be so broad as to permit the payment by the Secretary of the Interior of all Indian funds in the hands of the United States, to the individual members of the tribe, or to expend the funds for the benefit of the individual Indians. In the opinion of your committee such general authority should not be granted, but there should be granted authority to care for, out of the funds to their credit, the needy and afflicted members of a tribe. The only change in existing law is that, if adopted, this amendment will permit the Secretary to expend their funds for the benefit of needy Indians, rather than to pay to them the sums to their credit.

DEPARTMENT OF THE INTERIOR,
Washington, December 13, 1913.

MY DEAR MR. STEPHENS: On January 11, 1911, this department transmitted, for the consideration of the Committee on Indian Affairs, a draft of a bill to amend section 2 of the act of March 2, 1907 (34 Stat. L., 1221), which provided for the allotment and distribution of Indian tribal funds in the Treasury, and recommended favorable action for the reasons set out therein.

On February 14, 1912, favorable report was made on H. R. 46, Sixty-second Congress, second session, this bill embodying the language of the draft of bill

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submitted on January 11, 1911. The Committee on Indian Affairs reported the bill favorably, but it was not enacted into law. (See H. Rept. No. 925, 62d Cong., 2d sess.)

I believe that the interests of a large class of Indians not now entitled to receive their pro rata shares of the tribal trust funds would be served by amending the act of March 2, 1907, and therefore recommend that the inclosed draft of bill be enacted into law.

Copies of department letter of January 11, 1911, and February 14, 1912, are inclosed for your information.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, February 14, 1912.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: With your letter of April 12, 1911, you transmitted a copy of H. R. 46, a bill to amend section 2 of an act approved March 2, 1907, entitled "An act providing for the allotment and distribution of Indian tribal funds" (34 Stat. L., pp. 1221, 1222), with request for a report for the information of your committee.

This bill embodies the language of a draft of a bill submitted by the department January 11, 1911, to the chairman of the Committee on Indian Affairs, House of Representatives. As then stated, the object was to extend the scope of the act of March 2, 1907, to cover classes and circumstances not provided for in existing law and which experience has shown should be taken care of.

I recommend that this bill receive favorable consideration.

Very respectfully,

SAMUEL ADAMS, *Acting Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 11, 1911.

Hon. CHARLES H. BURKE,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: By direction of the President I transmit herewith, for the consideration of your committee, draft of a bill amending section 2 of the act of March 2, 1907 (34 Stats., 1221), which provided for the allotment and distribution of Indian tribal funds in the United States Treasury.

The object of the proposed amendment is to extend the scope of the act of March 2, 1907, which experience has shown to be advisable and necessary in order to cover classes and circumstances not now provided in existing law.

There is a large proportion of the membership of most of the tribes having trust funds in the Treasury which is neither competent nor disabled by reason of disease or old age, as required in the application of the provisions of the act of March 2, 1907, and the department is therefore without authority under existing law to pay such members their pro rata share of the tribal funds or to expend for their benefit any portion of such funds.

If this legislation is enacted, the department will be enabled at any time, in its discretion, upon a satisfactory showing of the need of any Indian to withdraw his individual share of the tribal funds from the Treasury and place it in the bank to his credit under the supervision of the superintendent, to be paid to him in such sums as the circumstances may from time to time justify, or the whole or any part thereof may be expended, under the superintendent's direction, for his benefit.

For the foregoing reasons it is recommended that the bill herewith submitted receive the favorable action of your committee and the Congress.

Very respectfully,

R. A. BALLINGER, *Secretary.*

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DETERMINATION OF HEIRS OF DECEASED INDIANS.

(Bill, p. 14, line 23; hearings, p. 305.)

The department has asked for $100,000 for this purpose, which is allowed by the House. Amendments have been added as follows:

I. That the Commissioner of Indian Affairs be authorized to use not to exceed $20,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians out of the amount appropriated.

II. Giving to any officer or employee designated by the Secretary of the Interior or the Commissioner of Indian Affairs as special examiner the right to administer oaths.

III. Excepting from its provisions the Osage Indians and the Five Civilized Tribes of Indians in Oklahoma.

IV. Providing for a payment of $10 to cover cost of determining the heirs to the estate of the deceased allottees.

V. Authorizing the Secretary of the Interior to require the attendance of witnesses at hearings upon proper showing by any of the parties under such rules and regulations as he may prescribe.

It appears that between forty and fifty thousand heirship cases are pending undetermined, representing Indian lands worth about $60,000,000. The Indians can not dispose of this land until the heirs are determined and this is one of the largest tasks to which this administration has fallen heir. It appears from the statement of Mr. Meritt that the work is more than self-supporting and the item will take nothing from the Federal Treasury.

TO ENCOURAGE INDUSTRY AND SELF-SUPPORT AMONG THE INDIANS, AND TO AID THEM IN CULTIVATION OF FRUITS, GRAINS, AND OTHER CROPS.

(Bill, p. 16, line 11; hearings, p. 30.)

As allowed by the House appropriation, $400,000; reduced by the committee to $100,000. This decrease is accounted for in that other appropriations have been made by this committee to the bill providing for like character of aid in the case of various reservations, respectively. Justifications for this item appear on page 30 of the hearings before this committee, and page 263 of the House committee hearings.

INCREASE OF SALARY OF COMMISSIONER OF INDIAN AFFAIRS.

(Bill, p. 17, line 4; hearings, p. 698.)

The recommendation for the increase appears on page 698 of the hearings before this committee, authorizing the increase to $7,500 per year. Copy of letter from the Secretary of Interior in relation to this item is appended as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 13, 1914.

MY DEAR SENATOR: Referring to the bill S. 4164, I am very heartily in favor of an increase in the salary of the Commissioner of Indian Affairs, proposed in that bill, and of the provision found in section 3 providing for the appointment of three men who shall do certain work on behalf of the Indians set out in that section.

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The wisdom of establishing a commission which shall be independent of this or any other department I am inclined to doubt. The Indians, I think, would look with some suspicion upon the establishment of such a board, which would remove them from the President, who is their great chief and whom they can visualize as their protector.

With the general purpose of your bill I am in full sympathy, because it tends to exalt the position of Commissioner of Indian Affairs by increasing his salary (which is inadequate now and calls for a large sacrifice on the part of the right man) and the extension of the term to six years, which gives an opportunity for the carrying out of a determined line of policy.

Cordially, yours,

FRANKLIN K. LANE.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

RELIEF OF THE CHETTIMANCHI BAND OF INDIANS OF LOUISIANA.

(Bill, p. 17, line 10.)

This appropriation is justified by the department in the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, March 27, 1914.

MY DEAR SENATOR: I have your letter of March 10 submitting for report a copy of Senate bill 4733, for the relief of the Chettimanchi Band of Indians in Louisiana, and for other purposes.

Under the provisions of the act of Congress approved June 17, 1844 (5 Stats., p. 676), to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, etc.; reviving the act of Congress approved May 26, 1824 (4 Stats., p. 52), to enable the claimants to lands within certain States to institute proceedings to try the validity of their claims, the Chettimanchi Indians, through Alexander Bertin, acting as their chief, and Joseph Yoyo et al., on the 16th of June, 1846, filed their petition in the District Court of the United States for the District of Louisiana, praying for certificate of title to a tract of land in parish of St. Mary, comprised within a certain tract of land claimed by the Chettimanchi Indians, of which they had been in possession more than 70 years preceding the present suit, situated on both sides of the River Teche in the county of Attakapas, having a front of about 1 league on the right line from the upper to the lower limit.

On the 19th of June, 1848, the decree of said court confirmed to the petitioners the lands respectively claimed by them, viz, "To the nation or tribe of Chettimanchi Indians," tract designated on the township plat of T. 13 S., R. 9 E., of the southwestern district of Louisiana, as section 22, containing 266.48 acres; section 23, containing 131.37 acres; section 27, containing 404.92 acres; and section 34, containing 290.66 acres; in the aggregate 1,093.43 acres. It also confirmed unto Marie Rose Pecot, widow of the late John Armelin, and her heirs, the tract designated on the said plat as section 5, containing 160.75 acres; and to Gabriel L. Fuselin and Sarah B. Evans, and to their heirs, the tract designated on said plat as section 11, containing 569.85 acres, that to Fuselin with a front of 2 arpents, that to Evans, 8 arpents more or less.

The suit was carried to the Supreme Court of the United States on appeal, and the said court dismissed the appeal at the December term, 1852.

As provided and authorized by the sixth section of the act of 1824 aforesaid (4 Stats., p. 54), the petitioners presented plats of survey to the General Land Office of the aforesaid three tracts, of 1,093.43 acres, of 160.75 acres, and of 569.85 acres, confirmed to the Indians by the decree of the United States District Court for Louisiana June 19, 1848, and confirmed by the United States Supreme Court at its December term in 1852, under said acts of Congress approved May 26, 1824, and June 17, 1844, whereupon a patent in fee for said three tracts was issued by the General Land Office February 1, 1855.

The Indians now own about 260 acres of the original tract, the remainder having been lost to them through sales and otherwise. Emmet Alpha, an attorney at law, of Franklin, La., represented these Indians in certain litigation affecting their lands. The Indians neglected to pay the attorney his fee and he recovered a judgment against them. This judgment was assigned to F. C.

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Vigeurie, of Franklin, La., and now amounts to $1,200, including interest. A foreclosure was had in February of this year and the land offered for sale, but in view of the fact that no bid was received for two-thirds of the appraised value, $9,000, there was no sale and the land was readvertised.

The Indian Rights Association was interested in this matter and for a time considered furnishing the necessary funds. On March 12 the Commissioner of Indian Affairs received a telegram from Chief Supervisor Holcombe advising that Miss McIlhenny, of New Orleans, had provided the necessary funds to save the lands to the Indians.

The Comptroller of the Treasury has ruled that the appropriation for "relieving distress, prevention of disease," etc., is not applicable to assist these people in connection with the land, so that if any action is to be taken by the Federal Government in their behalf it is necessary that there shall be an appropriation by Congress.

The lands of these Indians are valued at more than $30 per acre, and the improvements thereon are said to be worth from two to three thousand dollars. By using $1,200 of the amount for the payment of the judgment or claim against these Indians there would be little left for the purchase of additional lands.

Regarding the proviso that the Secretary may require that the legal title to all property purchased or the title to which is to be cleared shall be in the name of the United States, I suggest that this remain in the bill. An appropriation at this time which will conserve to these Indians their property may avoid a larger draft on the public funds at a later date, and therefore I urge and recommend the passage of the bill.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

PAYMENT TO M. L. MOTT.

(Bill, p. 17, line 20; hearings, p. 752.)

This amendment authorizes the Secretary of the Interior to pay to M. L. Mott $682.42 for services as attorney and for actual expenses in connection with Creek Nation affairs from January 15 to February 18, 1914. The justification for this is found on page 752 of the hearings before this committee, from which it appears that the payment was suspended, after authorization, because it was feared that a technical construction of the law might not permit of its being paid out of the fund pertaining to the Five Civilized Tribes. The memorandum from the department is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 13, 1914.

The COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

SIR: The contract of Mr. M. L. Mott as national attorney for the Creek Nation expired on January 14, 1914. The duties of that office will be assumed February 18, 1914, by Hon. R. C. Allen, of Muskogee, Okla.

While Mr. Mott's regular employment terminated as stated, his presence has since been required in Washington at the instance of the principal chief of the tribe and on invitation of the Secretary of the Interior. The principal chief, therefore, considers that Mr. Mott is entitled to compensation at the rate of $5,000 per annum, together with a proper allowance for actual and necessary expenses, for the period from January 14, 1914, to February 18, 1914, inclusive. I concur in this view.

The principal chief will draw a warrant in favor of Mr. Mott for the proper amount from the fund available for contingent expenses of the principal chief's office.

You are authorized to approve this warrant and to refer it to the superintendent of Union Agency for settlement.

Respectfully,

CATO SELLS, *Commissioner.*

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LEASES OF LANDS ON INDIAN RESERVATIONS FOR MINING, GRAZING, AND AGRICULTURAL PURPOSES.

(Bill, p. 18, line 3.)

From surface indications, discoveries, and explorations in the surrounding country and from applications to be permitted to mine on various reservations, it appears that there are valuable minerals, building stone, and coal on various reservations created by Executive order or legislative enactment, and it is believed that if authority should be granted for the leasing of such lands considerable revenue may be obtained and used for the benefit of the Indians. Under present conditions no one can be permitted to open a mine on such reservations, and surplus lands are being used at present only under revocable permits for the grazing of stock.

Believing that such action would be for the best interests of the Indians, the Department of the Interior has repeatedly recommended the passage of legislation authorizing the leasing of unallotted lands on reservations created by Executive order and legislative enactment. There is already authority of law for leasing allotted lands and unallotted lands on reservations created by treaty with the Indians.

SCHOOL FACILITIES FOR PAPAGO INDIANS, ARIZONA.

(Bill, p. 19, line 12; hearings, p. 134.)

This item of $50,000 is intended to cover schools in 10 or 15 Papago Indian villages, where there are no school facilities. There are no treaty provisions with the Papago Indians; they are industrious and ask no further assistance from the Government than an opportunity to educate their 1,200 children. The Indians in this tribe have no tribal funds, and are existing under circumstances which would tax the ingenuity of white people to make a living. They have no particular reservation and are living upon the public domain. This is the only instance, where no tribal funds are available for maintaining educational facilities and where no treaty obligation exists on the part of the Government to that end, that the department has found it advisable to establish and maintain schools for the Indians. The necessity for the appropriation is apparent and it should be approved.

SCHOOL FARM FOR YUMA INDIAN SCHOOL.

By this provision, page 20, line 20, the Secretary is authorized to set aside and reserve a school farm for the Yuma Indian School. This is recommended by the committee.

COLORADO RIVER BRIDGE, TOPOCK, ARIZ.

(Bill, p. 21, line 1; hearings, p. 326.)

Appropriates $25,000 for the construction of a bridge across the Colorado at Topock, Ariz., provided that two thirds of the cost of said bridge shall be paid by the States of Arizona and California.

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This was made the subject of a separate bill (S. 4304), and the department reported thereon as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1914.

MY DEAR SENATOR: February 7, 1914, Senator Stone submitted to me copy of bill (S. 4304) to provide for the construction of a bridge across the Colorado River at or near Topock, Ariz.

It seems that this matter was first brought to the attention of the Indian Department by you on October 31, 1913. Not being advised fully as to the facts, the superintendent in charge of the Fort Mojave Indian Reservation was called upon for a report, and a copy of his reply, dated November 13, 1913, is herewith for your information. It appears therefrom that a bridge at the point suggested would be of great benefit to the white settlers in the vicinity and also to the Indians of the Fort Mojave Reservation. I would be glad to see the enactment of the bill in its present form.

In this connection, however, your attention is invited to a provision in the pending Indian appropriation bill, as it passed the House of Representatives, appropriating $1,000 for the purpose of an investigation of the conditions with respect to the necessity of constructing a bridge across the Colorado River near the Fort Mojave Reservation.

The department prefers legislation along the line suggested in S. 4304. It has occurred to me that possibly the provision in this bill may be incorporated in the Indian bill in place of the item referred to.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
FORT MOHAVE INDIAN SCHOOL,
Mohave City, Ariz., November 13, 1913.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In compliance with the instructions contained in your letter of November 3, to investigate the necessity for and the feasibility of a bridge across the Colorado River at Topock, Ariz., I have the honor to report as follows:

Needles, Cal., is the market and supply point for this entire valley. The only means of communication across the Colorado River between the Arizona shore and Needles is a dilapidated gasoline ferryboat and private rowboats owned by Indians. Crossing the river by the boats used, during the low stage of the river, is a long and disagreeable, not to say precarious, trip; during the high stage it is a very hazardous undertaking; but this being the only means of crossing the river, people have to take the risk. During the low stage it takes from one-half to one hour to cross the river; during high water it takes from three to five hours to cross from Needles to the high land on the Arizona side, or vice versa. There are no satisfactory or safe means of communication between the Fort Mohave Indian Reservation and Needles, Cal. A bridge would be a great benefit to the Indians and to the general public and would furnish a safe means of reaching Needles during the flooded season.

The location of the proposed bridge is at Topock, Ariz., which site has the only suitable cross section of the Colorado River for a bridge in this vicinity. The river at this point is confined between high rock walls. The bridge of the Atchison, Topeka & Santa Fe Railway is located at this point. The reservation extends within a mile of Topock, which point is 12 miles southeast of Needles. In view of the fact that the Government appropriated $25,000 toward the construction of a bridge at Yuma, Ariz., an appropriation for $25,000 for this reservation is fully justified. The railroad bridge at Yuma furnished a safe means of crossing the river, while here there has never been a safe means of crossing. The great need of a bridge here is evident from the fact that, when the appropriation of $25,000 passed by the California Legislature was vetoed by the governor San Bernardino County came forward with the required amount.

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There is no wagon road above high water on the Arizona side of the river leading to the proposed bridge. I am informed that the board of supervisors of this county (Mohave) will appropriate sufficient money out of the road fund to build a road above high water to the bridge if the Government will appropriate $25,000 toward the construction of the bridge. If, from the foregoing, you feel justified in recommending to Congress an appropriation of $25,000, I would ask that this bill have the proviso that Mohave County shall build a wagon road above high water, commencing from a point where the Goldroads and Fort Mohave wagon roads intersect in section 31, township 18 north, range 21 west, to the proposed bridge at Topock. The estimated cost of this road is $5,000. San Bernardino County has already built a wagon road to the bridge on the California side.

The cost of transporting freight from Needles to the school is 55 cents per hundredweight. Most of the freight is ferried at Needles and hauled in wagons to the school. The expense of hauling freight would not be lessened by the construction of the bridge. If a wagon road is built to Topock, the supplies for this agency and school could be consigned to Topock, Ariz., and hauled the entire distance by wagons. There would be no risk then of damaging or losing supplies in ferrying, as has been the case in the past. In the summer of 1909 a boatload of supplies, amounting to $1,400, sank, and at other times supplies have been damaged by water.

The Indians under this jurisdiction would derive beneficial use from the proposed bridge for trading purposes at Needles, for marketing their agricultural products when their land is in a condition to be farmed, and for disposing of cordwood, which they cut on the reservation.

I inclose herewith a letter received on the subject from Mr. L. V. Root, of Needles, Cal., for your consideration.

Very respectfully,

AUG. F. DUCLOS, *Superintendent.*

IRRIGATION SYSTEM, PAPAGO INDIAN RESERVATION.

(Bill, p. 22, line 13; hearings, p. 201.)

This item was omitted by the House of Representatives, was estimated for by the department, and appropriated by this committee in the sum of $50,000, with a proviso that the entire sum to be expended shall not exceed $150,000. This is a reimbursable appropriation. A detailed report of the project is found in House Document No. 973, Sixty-second Congress, second session. The area to be irrigated would be about 3,000 acres. The reclamation engineers estimate that it can be irrigated for about $50 per acre. The Indians are energetic and have in the past lived by irrigation. The item is recommended by the committee as adopted.

WATER SUPPLY FOR PAPAGO INDIAN VILLAGES.

(Bill, p. 23, line 6; hearings, p. 204.)

This item includes water supply for eight Papago Indian villages. This is a gratuity appropriation. There was allowed by the House $20,000; estimated by the department and adopted by the committee, $35,600. This sum would develop all the water that is necessary for the eight Papago Indian villages in Arizona at an estimated cost of approximately $4,450 for each well. The appropriation is necessary and should be retained in the bill.

CONTINUATION OF WATER-SUPPLY DEVELOPMENT, NAVAJO INDIANS.

(Bill, p. 23, line 20; hearings, p. 206.)

This item is increased to $50,000 from $15,000. The former sum was requested by the department, but was cut to $15,000 by the House

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of Representatives. One of the greatest needs on the Navajo Indian Reservation is an abundant supply of water, which is scanty. It is recommended that the item be retained as increased, inasmuch as the Navajo Indians are almost self-supporting and have asked little from the Government and deserve encouragement. A full justification for this item is found on page 334 of the hearings before the House Committee on Indian Affairs.

PURCHASE OF LAND FOR INDIANS UNDER CAMP VERDE SCHOOL.

(Bill p. 24, line 1; hearings, p. 14.)

This item is intended to acquire for the Camp Verde Indians in Arizona, who were at one time on the San Carlos Indian Reservation in Arizona, having been isolated there after going on the warpath from the place where they are now located at Camp Verde and succeeded in straggling away from San Carlos and returning to their original haunt in the Verde Valley. The sum of $20,000 is allowed by your committee, and is justified by the department as follows:

The records of the Office of Indian Affairs show that the Indians under the supervision of the superintendent of the Camp Verde Indian School, Arizona, are in a deplorable condition.

There are no Indian lands or reservation belonging to these Indians, and none of them are allotted even on the public domain. Their original home was in the Verde Valley until they were sent to San Carlos as prisoners of war, and when upon being released they returned to their home, they found all of the land suitable for anyone to live on had been taken up by white settlers. They have no rights on any other reservations.

These Indians are scattered from Camp Verde, west 42 miles to Prescott, north 25 miles to Jerome, southwest 40 miles to Mayer, and northeast 10 miles to Beaver Creek.

There are 417 of these Indians, mostly full bloods, none of whom live in permanent houses, but exist in tents, tepees, and shacks erected in waste places and eke out a precarious existence as best they can.

That they are willing to work if given a chance is shown by the efforts of those who have been permitted to cultivate a few acres of land belonging to the Camp Verde Indian School, and it is proposed to purchase one or two tracts of land and locate these Indians thereon, giving them an opportunity to erect homes and raise sufficient produce for their own use. It is estimated that the amount asked for, if allowed, would mean $47.96 per capita, or approximately $160 per family, thus enabling each family to have 2 acres of land to cultivate and on which to erect a home. This estimate is based on the prevailing cost of lands in the Camp Verde Valley.

The Indian population under the jurisdiction of the Camp Verde Indian School approximates 425. There is no "reservation" here for the benefit of these Indians, a small tract of land having been purchased for a day-school site in 1910, of which 18 acres only are irrigable.

PURCHASE OF SEED, LIVE STOCK, IMPLEMENTS, AND AGRICULTURAL EQUIPMENT, COLORADO RIVER RESERVATION, ARIZ.

(Bill, p. 24, line 10; hearings, p. 15.)

This item provides for an appropriation of $50,000 and is the estimate of the department. A full discussion thereof is found in the hearings before the House committee at page 344. This is a reimbursable appropriation. The Government has constructed irrigation projects for these Indians, and they have now at their disposal valuable irrigable lands, but are without means to cultivate the same. Every expenditure hereunder will be repaid to the Government and

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is simply a loan to the Indians, and the appropriation tends to make them become self-supporting. The Indians have surplus lands from which the Government could be reimbursed.

SAN CARLOS (ARIZ.) IRRIGATION PROJECT.

(Bill, p. 25, line 17.)

The investigation conducted by the Board of Engineer Officers of the United States Army has demonstrated the feasibility of the San Carlos irrigation project in Arizona, and the department has recommended the institution of the preliminary work thereon. The Army officers have made a full and thorough investigation of the proposed irrigation project and have submitted an exhaustive report, printed as House Document No. 791, Sixty-third Congress, second session. The justification for the appropriation of $50,000 in the bill is found in the accompanying letter from the Department of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 7, 1914.

MY DEAR SENATOR ASHURST: Referring further to your letters of March 28, 1914, transmitting copy of bill (S. 5078) authorizing the construction of the San Carlos irrigation project on the Gila River in Arizona, and an amendment intended to be proposed by Mr. Smith of Arizona to the bill H. R. 12579, on the same subject, I have the honor to submit the following:

It appears from the report to the Secretary of War by the Board of Engineer Officers of the United States Army (H. Doc. No. 791) that with the duty of water provided for in the estimates satisfactory irrigation for the growing of grain, some fruits, and cotton will be provided; and in view of the benefits to be derived by such an additional area of productive lands, it is recommended that an appropriation of $50,000 be provided for beginning and conducting such preliminary work as determination of lands which will come within the project, and other matters bearing upon the plan as may be considered advisable by the Secretary of the Interior.

The following item is recommended for insertion in the Indian bill (H. R. 12579) as an amendment in lieu of that proposed by Mr. Smith of Arizona:

"For investigation of available water supply and such preliminary work as the Secretary of the Interior may in his discretion deem advisable in connection with the construction of the San Carlos Dam and irrigation project across the Gila River in Arizona, at a point known as the San Carlos Dam site, as recommended by the Board of Engineer Officers of the United States Army, appointed under the authority of Congress as set forth in House Document No. 791, Sixty-third Congress, second session, $50,000, which shall be reimbursed to the United States in accordance with regulations to be prescribed by the Secretary of the Interior."

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

SUPPORT AND CIVILIZATION, INDIANS IN CALIFORNIA.

(Bill, p. 26, line 8; hearings, p. 37.)

The House allowed $42,000; increased by this committee, according to estimates, to $50,000. From the justification for the item shown on page 37 it appears that there are approximately 18,000 Indians in California whose welfare is looked after through the medium of 11 superintendencies. These Indians have no trust funds and no valid objection may be found to the increase proposed by the committee.

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PURCHASE OF LANDS FOR CALIFORNIA INDIANS.

(Bill, p. 26, line 10.)

The House of Representatives allowed the sum of $10,000, which your committee increased to $20,000, as estimated by the department to be necessary. A full justification is found on pages 354–357 of the hearings before the House committee, and it appears that the appropriation has been allowed for some years, and but one further sum of this nature will be asked for by the department next year. It is therefore recommended that the sum allowed by the committee be permitted to stand.

SUPPORT AND EDUCATION OF INDIAN PUPILS AT SHERMAN INSTITUTE.

(Bill, p. 26, line 16; hearings, p. 140.)

The House of Representatives has allowed $114,000; estimated by the department, $149,400; adopted by this committee in the sum of $129,400. The estimate by the department included a provision for expenditure of $20,000 for a heating plant. The number of pupils provided for is 650 instead of 625.

The Sherman Institute is a nonreservation school, well conducted and maintained, of a high standard of efficiency. The climate of southern California is such that an extensive heating plant is not necessary. The sum appropriated, $129,400, is considered by your committee as sufficient for the maintenance of the institution for the proximate year.

INDIAN SCHOOL, FORT BIDWELL, CAL.

(Bill, p. 27, line 1; hearings, p. 142.)

This item was allowed by the House of Representatives in the sum of $20,000, to which this committee has added $5,000 for necessary repairs and improvements. The buildings comprehend a former military reservation, and a good deal of repair work is necessary to meet the annual depreciation. The increase of $5,000 is amply justified, and inasmuch as the school is of great value to the Indian Department and appears to be in need of the increased appropriation, the committee considers the increase as amply justified.

RELIEF OF MRS. MAY STANLEY.

(Bill, p. 27, line 10; hearings, pp. 307–310.)

This item has been reported on favorably by the department and allows $6,000—$5,000 to the widow of W. H. Stanley and $1,000 for medical and other expenses incurred with relation to the death of Mr. Stanley and the shooting of Selse Serrano, an Indian policeman.

Will H. Stanley, superintendent of the Soboba Indian School, Cal., was, while in the performance of his duty, shot and mortally wounded by Indians of that reservation on May 2, 1912, dying the following day from the effects of the wound. At the time Supt. Stanley was shot, Selso Serrano, an Indian policeman, was also badly wounded. Medical aid was summoned for both the wounded men, and an operation was performed on Supt. Stanley in the hope of saving his life.

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Being a bonded officer of the Government, it was necessary to take out letters of administration for Mr. Stanley's estate in order to legally wind up his accounts with the Government. There were no applicable funds available for these very necessary expenses; hence it is very desirable to make provisions for the item of legislation in question. Mrs. Stanley was left a widow with two children, and is in delicate health. The appropriation would appear to be the least the Government could make in view of all the circumstances. It is urgently recommended that the item of legislation be retained in the bill. (Senate hearings, p. 308.)

LAND AND BUILDINGS FOR FORT LAPWAI SANATORIUM, IDAHO.

(Bill, p. 28, line 5; hearings, pp. 444 and 595.)

Forty thousand dollars is appropriated for this institution by your committee, and it is amply justified by the following statement from the department. The item was not allowed by the House of Representatives.

The Fort Lapwai Sanatorium School is intended for the treatment and education of Indian children of school age suffering from tuberculosis in the incipient stage. This sanatorium at the present time takes pupils from practically all the schools and reservations of the Northwest. Similar sanatorium schools are provided at Toledo, Iowa, for incipient tuberculous pupils from the northeast; at Phoenix, Ariz., for the southwest; and at Laguna, N. Mex., from the high altitudes from the middle southwest. These sanatorium schools are educational institutions, intended only for children of school age and only those who have tuberculosis in the incipient stage. They accommodate only a limited number of pupils, and do not and can not take the place of the tuberculosis camps or hospitals intended to care for the more or less advanced cases of tuberculosis on the various reservations.

It has been the policy of the office to treat trachoma cases at the various Indian schools, but where pupils begin to show signs of incipient tuberculosis while at school, as a certain proportion of them invariably do, it is considered inadvisable to retain them in daily contact with healthy pupils, and they become a menace to the health of the school. If these pupils are sent to their homes without further treatment or instruction they become foci for the infection of further cases in their homes, and if instead of becoming worse, as they usually do, they improve in health at their home, they have been deprived of the advantages of an education.

The sanatorium school fulfills a distinct purpose which is not accomplished by the hospital camps, in that it affords facilities for education and treatment of early cases among pupils who would otherwise lose all educational advantages. It also makes a special feature of teaching tuberculous Indian children the methods of treatment and prevention of tuberculosis, and the patients graduating from a tuberculosis sanatorium school do not become the potential foci for the spread of the disease which they otherwise would. It is depressing for incipient cases to be compelled to be constantly associated with advanced cases, and the sanatorium schools, admitting as they do only incipient cases, are thus more favorable for the arrest of the disease, because the atmosphere is more bright and hopeful than a camp where advanced cases are treated.

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The tuberculosis camp is a necessary institution on reservations where there are large numbers of more or less advanced cases of tuberculosis, and these camps should be established wherever possible, but the sanatorium school should also be maintained for the purposes above indicated.

The following estimate is submitted outlining the manner of expenditure of the sum of $40,000, to be used in the construction of educational buildings and the purchase of land for the tuberculosis sanatorium at Fort Lapwai.

Hospital building	$15,000
Purchase of improvements on lands, to be deeded to the Government by the school board of district No. 57, State of Idaho	3,500
Superintendent's residence	3,500
Dairy barn	4,000
Electrical installation	3,000
Dining room and kitchen building	11,000
Total	40,000

A full justification for these improvements appears on pages from 385 to 387 of the hearings before the Subcommittee on Indian Affairs of the House. A reduction has been made in the estimates there submitted, as it will be attempted to erect these improvements in the open market instead of under contract. It is believed that a substantial sum may be saved in the total cost of these improvements if this method is followed.

MAINTENANCE AND OPERATION, FORT HALL IRRIGATION SYSTEM, IDAHO.

(Bill, p. 28, line 10; hearings, pp. 285–377.)

Allowed by House of Representatives, $20,000; estimates by the department, $40,000; allowed by Senate committee, $40,000. Eight hundred thousand dollars have been spent on this system, and the work is practically completed, all of which expenditure is reimbursable to the Government. A complete history of the enterprise is found on page 374 of the hearings before the House Committee on Indian Affairs.

The Report of the Board of Indian Commissioners shows, on page 377 of the hearings before this committee, that the sum of $40,000 is required for the maintenance of this irrigation system. Forty acres are allotted to each head of a family on this reservation, and 20 acres to each other member of the tribe. The provision appropriating $40,000 we recommend as necessary.

PROMOTION OF CIVILIZATION AND SELF-SUPPORT, FORT HALL RESERVATION, IDAHO.

(Bill, p. 29, line 5; hearings, p. 17.)

This is a $50,000 item, which is reimbursable, and is of the same nature as similar items which are designed to promote civilization and self-support among the Indians, to be expended in the purchase of seed, live stock, vehicles, implements, etc. It is to be repaid within 10 years from the advance thereof to the Indians, and all payments which are made by the Indians on account of this advance

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shall be used in what is known as a "revolving fund" to be reappropriated for the uses and benefits of the particular tribe or band of Indians until June 30, 1924, thereafter to be subject to disbursement only when appropriated by Congress. The various appropriations, which are carried in this bill, it is proposed are to be redeemed by the Indians individually, and as the repayments are made the fund is to be utilized to promote the welfare of the tribe by advances from said repayments until a period of 10 years has elapsed. It is earnestly recommended that the plan submitted by the department be adopted.

AUTHORIZING THE COURT OF CLAIMS TO TRY CLAIMS GROWING OUT OF IRRIGATION PROJECT, FORT HALL, IDAHO.

(Bill, p. 30, line 5.)

The amendment appearing on page 30 arises through the construction of the Fort Hall irrigation system and authorizes the Court of Claims to investigate claims for damages to lands owned by Neils Anderson and William Winchell. The legislation is recommended by the committee.

PAYMENT OF EMPLOYEES, NEZ PERCE AGENCY.

(Bill, p. 30, line 16.)

The appropriation of $5,500 is in accordance with the estimates of the department, and justification is furnished on page 40 of the hearings before this committee. The item was not allowed by the House of Representatives ($2,200 having been allowed in the previous year), and the sum recommended by this is necessary for proper maintenance of the reservation agency and employees.

REIMBURSEMENT TO M. D. COLGROVE.

(Bill, p. 30, line 17; hearings, p. 383.)

This item is intended to reimburse the superintendent of the Coeur d'Alene Agency for expenses incurred in connection with repairs to agency jail, and is recommended.

SAC AND FOX AGENCY, IOWA.

(Bill, p. 30, line 21; hearings, p. 40.)

This item ($1,000) is to cover pay of employees at the Sac and Fox Agency. The Indians at this agency own their own lands and pay taxes thereon. There are many matters connected with the agency which require attention, and for this purpose it is necessary to employ one clerk to assist the physician in charge. One thousand and eighty dollars has been regularly allowed to this agency, and the sum allowed is deemed essential for proper conduct of the agency's affairs.

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SUPPORT AND EDUCATION, INDIAN PUPILS, HASKELL INSTITUTE, LAWRENCE, KANS.

(Bill, p. 31, line 4; hearings, p. 125.)

The increase provided, of $32,500, will provide a gymnasium at an expense of $30,000, and an increase to the item for general repairs and improvements of $2,500. It appears from the hearings (p. 125) that the committee which went through the West was impressed with the necessity for a gymnasium at this school. This is a gratuity appropriation, and appears to be one of the modern things in school life, and the Indians are entitled to a gymnasium just as much as the white children. The provision is for a building and equipment to cost $30,000; and for general repairs and improvement, $13,500; for support of school and education of 750 Indian pupils, $127,750; in all, $171,250. The amount appears to be necessary and its adoption is recommended by the committee.

SUPPORT AND EDUCATION OF INDIAN PUPILS AT MOUNT PLEASANT (MICH.) INDIAN SCHOOL.

(Bill, p. 31, line 22; hearings, p. 124.)

Appropriated by the House of Representatives, $61,275; recommended by your committee (as estimated by the department), $91,450; increase, $30,175. The increase is justified by the appropriation for a gymnasium, $25,000; increase in the item for general repairs and improvements to $6,000, and increase in attendance from 325 to 350 Indian pupils. It is established that excellent white schools abound in the neighborhood of this particular institution, and it is without additional advantages provided by a gymnasium, and the Indians, being naturally inclined to athletics, would be greatly benefited by the improvement. The appropriation is justified by the department on page 403 of the hearings before the House committee and page 124 of the Senate committee hearings.

PAY OF EMPLOYEES, MACKINAC AGENCY, MICH.

(Bill, p. 32, line 3; hearings, p. 41.)

The estimate of the department was not allowed by the House but appears in estimates of the department at $3,600. The Indian population is 1,097, and $2,400 is disbursed for wages to employees, and purchase of site and construction of agency building, $1,200. The amendment is justified by the needs of the Indians at that agency, and its adoption is recommended by the committee.

PAYMENT TO JOSEPH BRADLEY, ATTORNEY FOR SAGINAW, SWAN CREEK, AND BLACK RIVER CHIPPEWAS, MICHIGAN.

(Bill, p. 32, line 7; hearings, p. 331.)

This is a small balance due the Indians mentioned, and the amendment provides for its payment to their duly authorized attorney, viz, $30.65. The balance was recently discovered to be in the Treasury to

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the credit of the tribe and its payment is authorized by this amendment at the request of the department.

EMPLOYMENT OF HIGH-SCHOOL TEACHERS AT WHITE EARTH, MINN.—CHIPPEWA INDIANS OF MINNESOTA.

(Bill, p. 33, line 1; hearings, p. 281.)

By the act of last year $4,000 was appropriated to be used for paying the tuition and expenses of a limited number of Chippewa children to be selected by a commission. But it has been thought that more good could be accomplished by making provision for some high-school teachers at White Earth, as a large number of Chippewa children can thus get the benefit of such instruction. In the meantime some of the scholars selected last year are in the midst of a course at outside schools, and it was thought best to make provision for continuing their schooling.

DONATION OF BUILDING AT BENA, MINN.

(Bill, p. 35, line 1; hearings, p. 117.)

Authority is given the department to turn over to the village of Bena, Minn., a small house to be used as a school, with the proviso that the children of the Chippewa Indians shall at all times have access to the school maintained therein. The amendment is recommended by the department.

PAY OF EXPENSES OF DELEGATES FROM CHIPPEWA INDIANS.

(Bill, p. 35, line 24; hearings, p. 95.)

The amendment appropriates $1,500 to cover the expenses of the delegates who visited Washington and who were elected by the councils of March 25, 1911, and December 30, 1912, and also the expenses of the delegates who attended the general council of the Chippewas of Minnesota at Cass Lake, Minn., May 6–9, 1913. It has the approval of the department. The Indians hold their regular councils, and there is no regular fund to meet their expenses. In some cases efforts have been made to bring delegations before committees without success for want of authority to meet the expense. The payment is recommended by the committee. This comes from the tribal funds of the Indians.

ASSESSMENTS, FOND DU LAC INDIAN RESERVATION.

(Bill, p. 36, line 13.)

Under the laws of the State of Minnesota drainage districts are organized, and upon a petition presented to the court the court passes upon the question, including assessments necessary to construct the proposed drainage system. In this instance the district embraces a number of Indian allotments. It is very important that the district be drained, as it happens to be in a section where it is impossible for the homesteaders who have gone upon the public lands to make

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any headway without drainage. Attention to the matter was called by the district judge and as the result of a conference with the Indian Office the proposed amendment has been agreed to, which it would seem fully safeguards the rights of the Indians. The proposed amendment has been submitted to the district judge to ascertain whether it makes the plan workable under the Minnesota law, but advices have not yet been received from the court and it may be that some additional changes will be desired.

PAYMENT OF EXPENSES, GENERAL COUNCIL CHIPPEWA INDIANS.

(Bill, p. 38, line 9; hearings, p. 597.)

This is a withdrawal from tribal funds in the sum of $1,500, and its justification appears on page 697 of the Senate committee hearings. The general council is to be held on the second Tuesday in July, 1914, at Bimidji, Minn. No authority exists for the payment of the expense, and as a plan has been agreed to for the adoption of a referendum vote in dealing with tribal funds (see p. 42 of bill, line 17), it is earnestly hoped that all assistance be provided for the meeting of the Indians. The Chippewa Indians of Minnesota have about $5,000,000 to their credit and no doubt much good will accrue to the Indians through this council to discuss their affairs. The withdrawal of the $1,500 is recommended.

CONSTRUCTION OF THREE HOSPITALS, CHIPPEWA RESERVATION IN MINNESOTA.

(Bill, p. 38, line 6; hearings, pp. 452 596, 612.)

The authority to withdraw $75,000 of tribal funds of this tribe is $25,000 in excess of the estimate of the department for this work. The original plan was for the construction of two hospitals, but the needs of the situation seem to require that three establishments would more reasonably answer the requirements of the case. There are about 11,000 of these Indians. One hospital is now provided for on the White Earth Reservation, and with this appropriation it is proposed to place a hospital on the Red Lake, which has a population of 1,456; Leech Reservation, population 1,735; Fon du Lac Reservation, population 978.

ADVANCES TO MEMBERS OF CHIPPEWA INDIAN TRIBE.

(Bill, p. 38, line 22.)

This provision is intended to relieve distress among the band of Chippewa Indians entitled to participate in the permanent fund as an enrolled member of the tribe. The limitation to a sum not in excess of one-fourth of the share coming to each Indian under a pro rata distribution removes any risk of inequitable or excessive distributions. It appears that in many cases some of the beneficiaries of this fund are needy, and the department has recommended the distribution under the direction of the Commissioner of Indian Affairs. Inasmuch as the proposed disbursement does not involve an

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appropriation, gratuitous or otherwise, but is a withdrawal of funds to the credit of the tribe, and as it is properly safeguarded by the language of the paragraph, no possible objection appears to the authorization to the department to make the partial distribution.

SALE OF MERCHANTABLE TIMBER, RED LAKE RESERVATION, MINN.

(Bill, p. 40, line 8.)

The limitation provided for the sale of the timber on this reservation as to prices and terms is a proper safeguard to the interests of the members of the Red Lake Indians. No expense is involved in so far as the appropriation is concerned. It appears that there is a large stock of timber which is now subject to decay and which will be of no use to the tribe and which is merchantable. The district has in some cases been singed by fire, and much of the wood may be preserved if properly cut and worked and thus made ready for market. It is proposed that the proceeds from the sale of the timber shall be deposited to the credit of the Indians owning the timber, and thereafter used for the benefit of the Indians, in the discretion of the Secretary of the Interior. The precaution thrown about the disposal of this timber by the terms of the act and the limitation as to the amount to be sold, and the provision that each tree is to be branded, will give the administration of this provision every safeguard the Indians could possibly need. Only dead and down plus 25 per cent of the standing timber shall be sold on that part of the reservation comprising the peninsula between upper and lower Red Lake lying west of the present east line of said reservation and north of Battle River. On the balance of the reservation all the merchantable timber may be sold, except that on tracts where white and Norway pine and spruce may be growing not less than 10 per cent shall be left for reforestation. It is recommended by your committee as a beneficial use of the Indian property on the Red Lake Reservation.

REFERENDUM OF MINNESOTA INDIANS UPON EXPENDITURES OF TRIBAL FUNDS IN EXCESS OF $5,000 IN ANY ONE ITEM.

(Bill, p. 42, line 5; hearings, pp. 596 and 614.)

This amendment is not intended to deprive the Secretary of the Interior of his power as an administrative officer to deal with Indian matters, but is designed to establish a method whereby the Indian shall have opportunity to realize fully any ambition to deal more closely than at present in the disposition of his funds where the tribe has a balance in the Federal Treasury subject to withdrawal. It is not apprehended that the referendum will invade the discretionary power of the Indian Office, and that office as at present operated is heartily in favor of the principle proposed. Reference is here made to section 25 of this bill, line 1, which last provision is general in its application as to all Indian tribes. In its nature it could, of course, apply only to reimbursable or tribal funds, where a sum of money is to be withdrawn or an obligation on the part of the Indian to repay may be involved. It does not tend to remove the discretionary power of the Secretary of the Interior in so far as gratuity appropriations are concerned, hence such essential expenditures as school, health, and

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other donative distribution by the Indian Office could not well be interrupted or interfered with by any influence other than legislation by Congress. The department has expressed some apprehension as to the result with respect to the first year, citing as an instance that in Round Valley, Cal., and in certain parts of Oklahoma objection to school attendance has been manifested, suggesting possibilities of difficulties. Your committee, however, is of opinion that the approval of the Indians as to expenditures for improvements on Indian property and pro rata distribution of tribal funds should be sought. This legislation is recommended.

SUPPORT AND CIVILIZATION, FLATHEAD AGENCY, MONT.

(Bill, p. 42, line 15; hearings, pp. 41–42; House hearings, pp. 435–436.)

There are 1,183 Indians on this reservation, of whom 250 are old and indigent and unable to support themselves. The department has asked for $20,000, the amount appropriated last year. The climate is very cold, and the Indians live very largely in tepees or little log houses. For want of proper housing the sanitary conditions are very bad, and this, combined with exposures, has created a large amount of sickness, and large numbers are so broken physically as to be unable to support themselves. This is a gratuity appropriation, and the amount appropriated is considered (being $15,000) as moderate and should be sustained.

SUPPORT AND CIVILIZATION, FORT PECK AGENCY, MONT.

(Bill, p. 42, line 18; hearings, pp. 43–44.)

The committee has appropriated $35,000, an increase of $5,000, and this increase is amply warranted by the facts, is estimated for by the department and is the same amount as appropriated in previous years. The activities of the reservation are very largely increased during recent years. In leasing land the department makes a lease for each allotment instead of a tribal lease. The discussion of this item appears on page 440 of the House committee hearings and gives in detail the number of agency employees and shows that the appropriation of $35,000 is consumed each year, leaving, as in the case of 1914, but $121.31 unexpended. The amount is requisite to the conduct of the agency and should be approved.

SUPPORT AND CIVILIZATION, BLACKFEET AGENCY, MONT.

(Bill, p. 42, line 21; hearings, pp. 44–45; House hearings, p. 441.)

The estimate of $20,000 for this agency, including pay of employees, is necessary, as no appropriation appears to have been made heretofore for any fiscal year for the support of this agency except 1913. The books of the department show that the sum of $15,000 is consumed as a liability against the agency (House hearings, p. 442), and the sum of $20,000 as appropriated by the committee is necessary for its support. Up to the present time the department has been using the tribal funds of the Indians. The Indians have

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been allotted and the department is not now leasing so much land for grazing purposes, and this reduces the funds of the Indians until it now requires a gratuity appropriation for the support of the agency.

MILK RIVER IRRIGATION SYSTEM, FORT BELKNAP RESERVATION.

(Bill, p. 42, line 24.)

The amendment beginning on line 14 contains the proviso that the use of so much water as may be necessary for a supply for domestic, stock-watering, and irrigation purposes of lands allotted or to be allotted to Indians on the Fort Belknap Reservation is reserved to the individual Indian allottees. This is the usual proviso carried in this bill for the purpose of protecting the Indians in the use of their water rights on the irrigation system mentioned.

IRRIGATION SYSTEM, FLATHEAD RESERVATION, MONT.

(Bill, p. 43, line 13; hearings, pp. 224-245.)

The appropriation of $250,000 is a reimbursable one and is to provide for continuing the work undertaken by Congress for the irrigation of the reservation, to cost, when completed, about $6,000,000. Statistics respecting the appropriation are found on page 446 of the hearings of the House committee. The estimated cost of the project will amount to about $30 to $40 per acre. The land is said by Mr. Newell, of the Irrigation Service, to be worth $100 to $150 per acre in alfalfa and $500 in orchards. The continuation of this expenditure is recommended. The usual proviso which protects the individual Indian in the use of water for his needs is inserted in this as in all other irrigation items.

IRRIGATION SYSTEM, BLACKFEET INDIAN RESERVATION, MONT.

(Bill, p. 44, line 6; hearings, p. 245.)

No increase is made in the appropriation of $50,000, but a proviso is added protecting the Indian in the use of water for domestic and stock-supply purposes.

IRRIGATION SYSTEM, FORT PECK RESERVATION, MONT.

(Bill, p. 44, line 23; hearings, p. 246.)

The usual proviso with respect to the protection of the Indian in the use of water for domestic and other purposes has been added by your committee.

PAYMENT TO SCHOOL TRUSTEES, FLATHEAD COUNTY, MONT.

(Bill, p. 46, line 1.)

On March 6, 1913, a contract was approved providing for the payment of the tuition of 25 Flathead Indian pupils in public-school district No. 23 of Flathead County, Mont., for the fiscal year ending

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June 30, 1912, at the rate of $9 per capita per quarter. Later, when claims were presented under this contract, it appeared that the parents of these children were owners of taxable property, although when the contract was drawn up it was understood in the Indian Office that the parents were not owners of taxable property, and this condition was stated in the contract. The children were permitted to attend the public school during the year on the assumption that the district would receive compensation therefor. When the claim was presented to the Auditor for the Interior Department he took the position that, as the parents were taxpayers, the children were legally entitled to attend the school without tuition; in other words, the contract to pay tuition for the Indian children was null and void, lacking consideration, as the Indian children were entitled to attend the public schools tuition free. The Comptroller of the Treasury later confirmed this decision.

As the enrollment in the public schools was given these children in good faith by the public-school authorities with the understanding that the Indian Office would pay tuition therefor, it is believed that the proposed legislation to reimburse district No. 23, Flathead County, Mont., should be given favorable consideration.

Reports indicate that the parents of these children paid practically no taxes and the public schools should be aided by the payment of this claim.

REIMBURSEMENT TO WIDOW OF GEORGE A. MILLER.

(Bill, p. 46, line 5; hearings, p. 311.)

This item appropriates $200 for the relief of the widow of a former Indian Office employee, Mr. George Miller, who was a liquor suppression officer, and in the performance of his duty it became necessary for him to shoot a man, whereupon he was made defendant in certain proceedings and put to much expense. Having died, the item is properly payable to his widow, and is recommended by the department.

PURCHASE OF CATTLE, NORTHERN CHEYENNE INDIANS, MONTANA.

(Bill, p. 46, line 25; hearings, p. 19; House hearings, p. 469.)

This item of $50,000 for the purchase of cattle for the Northern Cheyenne Indians is reimbursable in accordance with the procedure established by the department for advances to Indians in various live-stock and farming pursuits with the effort to establish them as self-sustaining.

The appropriation is reimbursable and provides for the repayment of the fund and its disbursement until June 30, 1924. These Indians live upon an unallotted reservation and own property to the value of $4,073,577.60. As a grazing country, the reservation is said to be the best in the West. The authority to purchase the cattle is urgently recommended by the department, and inasmuch as the tribe has ample resources, it is felt that no risk can be taken in aiding the tribe. The committee recommend the appropriation.

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PROMOTION OF CIVILIZATION AND SELF-SUPPORT, PURCHASE OF IMPLEMENTS, FORT PECK RESERVATION, MONT.

(Bill, p. 47, line 17; hearings, p. 20; hearings before House committee, p. 474.)

One hundred thousand dollars is allowed by this item for the purchase of tools, implements, vehicles, harness, machinery, live stock, and seed for the Indians of the Fort Peck Reservation, Mont. This reservation is most favorably situated for the husbandry of live stock and farming. The Indians have recently been allotted and the Government is expending a large sum of money on an irrigation project. The sum appropriated is reimbursable and provides that repayments made until June 30, 1924, may be advanced to members of the tribe. The tribe has surplus lands from which they will reap about a million dollars, should it be sold, and it can be disposed of for that sum now. It is estimated that the reservation should be, within a few years, self-supporting. Tribal assets total $6,732,-737.40. The Indian population is 1,857. Inasmuch as these Indians have heretofore done but little farming, they have a limited supply of implements, and only a limited number now have houses and barns adequate for home purposes. In some instances the Indians will want to fence their lands and put stock thereon to operate in connection with their agricultural pursuits. At present the supply of live stock is inadequate to utilize their lands, and the greater number of families have but a few ponies.

The committee has allowed the department estimates, and recommend the enactment of the amendment.

PROMOTION OF CIVILIZATION AND SELF-SUPPORT, PURCHASE OF IMPLEMENTS, BLACKFEET RESERVATION, MONT.

(Bill, p. 48, line 17; hearings, p. 22; House committee hearings, p. 477.)

One hundred thousand dollars appropriated in accordance with the estimate of the department. This is similar to the preceding item in every respect, and is reimbursable. Indian population is 2,842; tribal assets, $3,440,411.22. The Indians have received $621,539.30 to June 30, 1912, and have reimbursed to the United States the sum of $65,000.

Irrigation work has been done on the reservation to the extent of about $600,000, and further expenditures will be required for completion of pending projects. The projects cover about 133,000 acres, 40,000 of which are allotted to Indians, and the remaining 93,000 acres are to be thrown open to settlement. Under present legislation all future resources of the tribe are hypothecated for the reclaiming of the allotted lands and future homestead lands until there is nothing on hand to develop the Indians industrially and to enable them to occupy and use the lands allotted to them. Not being agriculturists by former occupation and habit, they are not provided with work teams, implements, seed, and other necessaries for the tillage of the soil. The reservation has a favorable outlook from a live-stock standpoint and will furnish abundant pasturage for years to come.

The appropriation of $100,000 is deemed meritorious and is recommended by your committee.

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PROMOTION OF CIVILIZATION AND SELF-SUPPORT, PURCHASE OF IMPLEMENTS, FLATHEAD RESERVATION, MONT.

(Bill, p. 49, line 18; hearings, p. 23; hearings of House committee, p. 479.)

Appropriated $100,000, as estimated by the department. This amount is similar to the two immediately preceding, and is justified by the Commissioner of Indian Affairs by a showing found on page 23 of the hearings before his committee. The net assets of the Flathead Tribe of Indians are $13,350,869.85.

This reservation has been allotted and all surplus land has been opened to homestead settlement. The proceeds of the sale of lands have been utilized through previous legislation for the purpose of constructing irrigation systems to such an extent that it will take probably a number of years for sufficient moneys to be paid to reimburse the amount already expended on irrigation, which is approximately $600,000. This leaves no tribal funds to assist the Indians industrially. On this reservation are found quite a number of well-to-do mixed bloods, who own considerable live stock and some of whom have large farms opened up. Thirty-two thousand head of cattle and horses are owned by the Indians. Want of funds has precluded the establishment of the Indians upon their allotments to enable them to make permanent homes thereon and cultivate them for their self-support. The Indian population is 2,311; 31,479 acres of the total of 38,000 under ditch are shown to be cultivated by the Indians.

The appropriation of $100,000 sought by the department is for the benefit of the tribe and is recommended by the committee.

SUPPORT AND EDUCATION INDIAN PUPILS AT GENOA (NEBR.) INDIAN SCHOOL.

(Bill, p. 51, line 1; hearings, pp. 145 and 466.)

Amount estimated by department and allowed by your committee, $99,300, an increase of $20,800. The educational facilities at Genoa are fine, and the department should have its estimate. The items of increase are a lavatory annex, $10,000; increase in item for support, $2,300; general repairs and improvements, increase, $3,000; repairs and addition to hospital, $2,000; new laundry building and equipment, $3,500; total, $20,800. The following justification from the department is appended hereto:

DEPARTMENT OF THE INTERIOR,
Washington, April 23, 1914.

My DEAR SENATOR: I have your letter of March 14, asking for the views of the department on amendment intended to be proposed by Senator Hitchcock to H. R. 12579. The department views with favor the proposed increase in the several items, with the exception of the increase in the appropriation for the dairy barn.

Genoa School has dining and class room space to easily accommodate 400 pupils. In making plans for the school for the coming year the superintendent contemplated the remodeling of a small brick building no longer necessary for the use of employees to be used as a small girls' quarters, and the erection of a connecting building between the girls' building and the remodeled small girls' quarters, this connecting building to be used for lavatory and bathing facilities, which are at present located in the basement of the girls' building. This arrangement is contrary to good sanitation. If this plan were carried out, it

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would increase the capacity of the girls' dormitories to 200, with an arrangement similar to that for the boys, which is an excellent one. In view of the amount which has been expended on the boys' dormitories, this plan to also increase the girls' dormitories and thus bring the capacity to 400 seems desirable, and the cost would be small. If the item for the lavatory annex is allowed, the fund for support and education, etc., should be increased to provide for 400 pupils instead of 375. At least the amount appearing in the amendment will be required for the purpose.

The laundry work is now being done on the upper floor of a building that is badly needed for commissary purposes. The bakery and storeroom are located underneath, which is clearly objectionable. The laundry should be located in a separate building, and should be properly equipped. At least $4,500 will be required.

There is a herd of very fine dairy stock at the Genoa School, and the teaching of dairying has been receiving a great deal of attention. A modern, sanitary dairy barn is needed, with attention given to ventilation as well as construction. However, it is believed that the present item of $6,000 is sufficient for the construction of a suitable barn at this school, and the department would not recommend the proposed increase.

At present there is no suitable place at Genoa in which to give the girls of the institution home training. A domestic science cottage is greatly needed. Domestic training is one of the most important features of any Indian school, and it is impossible to give the girls the kind of training in cooking and sewing which they so greatly need unless a suitable building is provided for this purpose. The doing of the institutional work in the wholesale, so necessary to produce food, clothing, etc., for the use of hundreds of students, does not offer the kind of training these girls will need for home making and housekeeping. It is hoped this item of $5,000 will be allowed.

Very cordially, yours,

A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

EXPENSES OF OMAHA AND WINNEBAGO AGENCIES.

(Bill, p. 51, line 8; hearings, p. 48.)

The appropriation of $6,040 covers pay of superintendent and other employees at the agencies. It appears that the superintendent is carried as a school employee. A school is being conducted at the point mentioned and there are approximately 1,300 Omahas and 1,100 Winnebagos under the jurisdiction of the superintendent in charge. This is a gratuity appropriation, and is recommended by the committee as necessary to the conduct of the agencies at that point.

TRIBAL FUNDS, SAC AND FOX LANDS, NEBRASKA.

(Bill, p. 51, line 11; hearings, p. 733.)

There is about $29,000 in the Treasury belonging to these Indians, and under previous legislation the department is not clothed with authority to distribute the fund. This is desired by the tribe to be distributed to those who did not receive lands and who received no funds. A member of the tribe appeared before your committee and his testimony is found on page 735 of the hearings. The department's views on the subject are embodied in the following letter from the First Assistant Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, March 14, 1914.

MY DEAR SENATOR: The act of June 14, 1906 (34 Stat. L., 262), authorized the payment to Sac and Fox allottees within the boundaries of the drainage

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district No. 1 of Richardson County, Nebr., their proportionate share of the "paper principal," less the assessments which might be made on the land, not exceeding $7 an acre. The act of May 13, 1910 (36 Stat. L., 368), amended this act by increasing the assessment to not to exceed $9.50 an acre.

The act of March 1, 1907 (34 Stat. L., 1015–1031), authorized the Secretary of the Interior to pay per capita to members of the Sac and Fox of the Missouri Tribe of Indians entitled thereto the remainder of their "paper principal," amounting to $100,400. All the members of the tribe, consisting of 88 persons, shared in the per capita payment made under this act, and the fact that the act of June 14, 1906, provided for the payment to allottees within the drainage district of their proportionate share in the "paper principal" seems to have been overlooked.

On October 20, 1913, this department authorized the superintendent of the Kickapoo School to expend $27,847.15—$19.63 in paying the assessment on tribal lands and the remainder so far as necessary in settling the assessments against allotments. Where the assessment was less than the proportionate share of the allottees, the superintendent was authorized to pay the remainder to the allottee if he was an adult competent and to return the remainder in the case of incompetents and minors to the Treasury for deposit to the credit of individual Indians.

The act of June 14, 1906, retained $57,000 for the payment of assessments on tribal lands and the proportionate shares of allottees whose lands were included within the district. Since all the members of the Sac and Fox Tribe have received their proportionate shares in the $100,400 payment, they are entitled to share in that part of the "paper principal" appropriated by the act of 1906, but this department had authority to pay shares only to those allottees who are within the drainage district. In order that the remainder of this money, amounting to $29,152.85, may be distributed among the remaining members of the tribe, I have prepared and submit herewith a draft of a bill to authorize the payment of this money and recommend that it be enacted into law.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. WILLIAM J. STONE,
Chairman Committee on Indian Affairs, United States Senate.

SUPPORT AND EDUCATION, INDIAN PUPILS, CARSON CITY, NEV.

(Bill, p. 52, line 4; hearings, p. 146.)

The estimate of the department of $60,100 is recommended by your committee. The sum adopted by the House is $47,700. An increase in the school attendance of 50 pupils, the necessity for repair to buildings, and the general improvements necessary amply justify this increase. The department intends to conduct the school with a smaller force, and instead of retaining a large number of employees to increase efficiency by slight increases to a smaller number and insure better service.

SUPPORT AND EDUCATION, INDIAN PUPILS, ALBUQUERQUE, N. MEX.

(Bill, p. 52, line 14; hearings, p. 301.)

Estimated by the department, $106,600, an increase of $33,000 over amount adopted by the House. This estimate has been adopted by the committee, and a justification is found on pages 301–303 of the hearings before this committee. There is an increase of $3,000 in the item for general repairs and improvements and an allowance of $30,000 for the construction of an assembly hall and gymnasium. The institution is now providing for 400 Indian pupils, and the detail of the school's expenditure shows a per capita cost to the Government of about $150 per pupil, which is an excellent showing, and it is recommended that the estimates made should be adopted.

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SUPPORT AND EDUCATION, INDIAN PUPILS, SANTA FE, N. MEX.

(Bill, p. 53, line 1; hearings, p. 303.)

The estimate by the department for this school is $72,850, an increase of $1,700, which is justified by the department of $1,000 in the item of general repairs and improvements and of $700 in item of support and education. The per capita cost is $153, and the school is well conducted and the present allowance is $4,650 less than last year. At this basis a further reduction may be expected. The estimates of the department are well within reason and should be allowed.

(Attention is invited to the fact that the House bill as adopted shows an error of $4,000 in the total figures; hence the apparent increase of $5,700 is a mistake; should be $1,700.)

PROMOTION OF CIVILIZATION AND SELF-SUPPORT, PURCHASE OF IMPLEMENTS, MESCALERO RESERVATION, N. MEX.

(Bill, p. 53, line 11; hearings, p. 25; House committee hearings, p. 506.)

The estimate of $200,000 is adopted by the committee. The total value of the reservation property is $9,619,800. The reservation is unallotted and the appropriation is reimbursable, as in the cases of other similar appropriations for the support and civilization of the Indians in other western agencies. The timber in the White Mountain district is valuable. The Indians are possessed of great wealth; they have one lumber mill and the lumber is being used to make homes for the Indians. The money received by the Indian department for grazing privileges during the past two years amounts to about $15,000. The department contemplates purchasing cattle for the Indians on this reservation, and if the conditions seem to justify it the Indians will be provided with sheep. The Indian population is 629. A large number of cattle is annually grazed upon this reservation, and if they could be supplanted with stock owned by the Indians it is believed that much good would follow. Small portions of the area are being farmed, and it is the purpose of the department to encourage farming. The appropriation of $200,000 is recommended by your committee.

EXPENSES OF NEW YORK AGENCY.

(Bill, p. 54, line 20; hearings, p. 48; House committee hearings, p. 514.)

The appropriation allowed—$2,500—includes the pay of a special agent, $1,050; a physician, $600; and a financial clerk at $600, and stationery, office furniture, and the like are essential and necessary to properly maintain the office, and the funds will be used for that and other necessary purposes. The amount appropriated is necessary.

SUPPORT AND CIVILIZATION TURTLE MOUNTAIN CHIPPEWAS, NORTH DAKOTA.

(Bill, p. 55, line 8; hearings, p. 49; House hearings, p. 532.)

The amount estimated by the department, $15,000, is allowed by your committee and its retention is recommended. This is an increase of $4,000 over the amount appropriated by the House of Rep-

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resentatives. Under the allotment act the Indians at this agency have taken up tracts of land over a large area of country, and while $11,000 has been customarily allowed by the House in this case and utilized by the department, this recent location by the Indians of land over a large area, has necessarily increased the expense of maintenance of the agency at this point. The increase of $4,000 is justified and should be allowed.

SUPPORT AND EDUCATION INDIAN PUPILS FORT TOTTEN, N. DAK.

(Bill, p. 55, line 19; hearings, p. 148.)

The increase of $8,000 in this appropriation is justified by the addition to repairs and improvements of $2,000, and for rebuilding dairy barn $6,000. The item carries $82,500 against $74,500 allowed by the House. The dairy barn was destroyed by fire on December 3, pending the consideration of the bill in the House Committee on Indian Affairs. Some criticism has been expressed respecting losses by fire at this agency. The department provides the following justification for the item and it is recommended that the increase of $8,000 is necessary.

On December 3 the superintendent at Fort Totten reported by wire that the horse barn at the school was totally destroyed by fire, together with 300 tons of hay, 200 bushels of corn, and other property, including wagons and machinery. In his estimates submitted December 17, 1913, the superintendent says that it will take $6,000 to reconstruct the barn.

The basement of the barn, which was built of stone, was left partially intact, and over this was constructed a temporary roof, and the stock is now being housed in this rude building. A barn is absolutely necessary at this school. Heber M. Creel later visited Fort Totten, and in his report upon the fire said that the basement of stone on which the superintendent had put a temporary roof was very much damaged and would probably require reconstruction. This indicates that possibly the superintendent's first estimates of $5,500 is too small, owing to the fact that he estimated that the basement of the barn could be used on which to place the new structure. It is recommended that steps be taken to have about $6,000 additional placed in the bill in the Senate for the reconstruction of the horse barn.

There is now considerable stock and machinery and forage without proper protection at this school. The winters are long and severe and the barn is absolutely necessary.

SUPPORT AND EDUCATION INDIAN PUPILS WAHPETON, N. DAK.

(Bill, p. 56, line 3; hearings, p. 152.)

The justification for this increase of $47,000 is shown by the following letter:

APRIL 3, 1914.

MY DEAR SENATOR: I have your letter of March 26, with reference to an amendment to H. R. 12579, intended to be proposed by Senator McCumber, providing for increased appropriations for the Indian school at Wahpeton, N. Dak.

The proposed extension to power plant, improvement of water system, and addition to power plant are greatly needed at the Wahpeton School, as the space to be heated at the school has been more than doubled since the present superintendent took charge, while the capacity of the power plant has remained the same, and the water supply is not at all satisfactory.

The capacity of the dormitories at the Wahpeton School has been increased within the last two years from 80 pupils to 200, while no additional classrooms have been provided, making it necessary that a new school building be erected. The dining room capacity is the same as when the capacity of the school was

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smaller. It is suggested that the present school building be converted into a domestic building, containing pupils' dining room and kitchen, and providing quarters for giving domestic science instruction, for which there is no adequate provision at present. This arrangement will provide sufficient dining room capacity for an enrollment of 200 children. It is not believed that it is necessary to increase the dormitory capacity beyond 200, but it is very necessary that the new school building be converted into a domestic building.

It is, therefore, recommended that the following be introduced instead of the amendment intended to be introduced by Senator McCumber:

"For support and education of 200 Indian pupils at the Indian School, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $5,000; for extension to power plant, improvement of water system, and addition to power plant, $15,000; for school building and remodeling of present school building into domestic building, $30,000; in all, $85,200."

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

HEADSTONE FOR GRAVE OF SCARLET CROW, A SIOUX CHIEF OF THE WAHPETON TRIBE.

(Bill, p. 57, line 3.)

This chief was buried March 13, 1867, in the Congressional Cemetery, Washington, D. C., and it is contemplated that the sum appropriated, $100, will provide a suitable momento for the grave.

ASSISTANCE TO TURTLE MOUNTAIN INDIANS, NORTH DAKOTA.

(Bill, p. 56, line 10; House hearings, p. 536.)

The appropriation is estimated by the department for the benefit of the Turtle Mountain Indians who made settlements off the reservation and took up homesteads on the public domain. They have about 2,000 homesteads—more properly allotments—in western North Dakota and South Dakota and in various parts of Montana. The Indians ceded practically all their lands to the Government and received small compensation, and the Government has delayed ratifying its agreement with them, and the result has been that the Indians not only lost their own lands but were deprived of entering public lands near the reservation, and it seems only a matter of justice that the Government should now aid them in procuring a location for the quarter-section allotments which they have taken up.

The appropriation is recommended by your committee.

FOR THE SUPPORT AND EDUCATION OF INDIAN PUPILS AT CHILOCCO, OKLA.

(Bill, p. 58, line 19; hearings, p. 514.)

The committee has increased the appropriation for this school by the sum of $18,000. The addition is justified by the necessity for a new building at this school plant, and the department officials say that the new quarters are necessary in order to provide sleeping apartments for the officials. The increase is recommended by the committee.

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PAY OF EMPLOYEES, SAC AND FOX AGENCY.

(Bill, p. 60, line 3; hearings, p. 49; House committee hearings, p. 570.)

There is an Indian population of 657 at this superintendency, and the amount expended for salaries, wages, etc., for the ultimate year has been $2,058. The department's estimate for the current year is $3,000, and the sum allowed by your committee is deemed sufficient to cover the cost of the agency, because the same has been almost uniformly appropriated for the past few years. Its adoption is therefore recommended.

FOR PAY OF EMPLOYEES, SENECA AGENCY.

(Bill, p. 60, line 5; hearings, p. 49; House committee hearings, p. 570.)

This appropriation of $1,500 is in accordance with the department's estimate, and represents salaries, wages, etc., at the agency. An additional clerk has been employed at the agency, and this is considered essential by the department. It appears there are 1,490 Indians at the agency, and a detail of the employees is found on pages 570–571 of the House committee hearings. The committee recommends the expenditure.

KICKAPOO INDIANS.

(Bill, p. 61, line 12.)

The repeal of the act of Congress, approved June 21, 1906, is accomplished by this amendment, and, furthermore, the trust period on the land allotted to the Kickapoo Indians is extended for 10 years from the expiration of the present trust period on said lands, and the further sale of any lands allotted to or inherited by the Mexican Kickapoo Indians is not permitted without specific authority of Congress. The committee has had extended hearings respecting this Mexican band of Kickapoos, and the testimony will be found at large in the printed record.

PAYMENT OF MR. GABE PARKER.

(Bill, p. 63, line 10; hearings, p. 547.)

The following justification is submitted for the proposed amendment:

There is attached a draft of an item for insertion in the Indian appropriation bill covering the purchase of certain articles of furniture from the Hon. Gabe Parker, present Register of the Treasury, for use at the Armstrong Academy at Academy, Okla., involving the sum of $286.

Prior to his entrance on duty as Register of the Treasury, Mr. Parker was superintendent of this Indian school at Academy, Okla. During his incumbency he purchased, for use in various parts of the school, certain articles of furniture which he paid for out of personal funds. The furniture is still there.

Mr. Parker's resignation as superintendent of the school took effect on September 11, 1913, subsequent to which date and prior to October 1, 1913, when he entered on duty as Register of the Treasury, Mr. Parker offered for sale to the academy this furniture, which was needed there to conduct the school in the manner in which it has been handled, so far as equipment was

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concerned, during the period Mr. Parker was superintendent. This offer was accepted by the superintendent of the school and a request sent to the Commissioner of Indian Affairs for authority to make the purchase Mr. Parker left with the understanding that the articles would be purchased, otherwise he states he would have at that time shipped them to his home in Washington, D. C. It is to be understood that were these articles not purchased, others similar thereto would have to be bought for the school, and, therefore, on account of the quality and price of the furniture, it was considered by the superintendent a good business move to take advantage of Mr. Parker's offer. A competitive bid from a local furniture dealer was secured and considered. Those prices ranged in all but a few of the items considerably higher than those quoted by Mr. Parker.

It so happened, however, that the superintendent's request to purchase the furniture did not reach the Commissioner of Indian Affairs until after the time on which Mr. Parker entered on duty as Register of the Treasury and again became a Government employee. If this authority had been submitted to the Commissioner of Indian Affairs and approved prior to October 1, the purchase would have been properly consummated, but as this was not done it was believed that Mr. Parker again becoming a Government employee, the provisions in the act of June 22, 1874 (18 Stat. L., 146–177), prevented his entering into an agreement to sell. The superintendent of the school, who accepted the bid in reality, had no authority to do that; and, furthermore, it is not understood that it was his intention to accept it in the sense of attempting to bind the Government to purchase, because in transmitting the bid to the Commissioner of Indian Affairs he definitely requested authority to make the purchase. The matter was presented to the Comptroller of the Treasury, who sustained the Commissioner of Indian Affairs in his opinion that the purchase from Mr. Parker subsequent to September 30, 1913, would be illegal. During this period—that is, since September 30, 1913, while the matter was under consideration—the furniture has been in use at the school, and it seems unfair to Mr. Parker now, and uneconomical for the Government, to throw it back on his hands, particularly since new furniture will have to be bought for the school to replace it.

Therefore, as the purchase could not be consummated in any other manner under existing law, it is desired that the draft submitted herewith be enacted into law, in order that Mr. Parker may be reimbursed for his furniture.

REIMBURSEMENT OF WOMEN'S BOARD OF DOMESTIC MISSIONS, REFORMED CHURCH IN AMERICA.

(Bill, p. 63, line 15.)

The amount appropriated ($10,000) is to reimburse the women's board for an expenditure for school buildings built by them on the Fort Sill Military Reserve, Okla., for the use of the Apache Indians, and rendered useless on account of the removal of said Indians to the Mescalero Indian Reservation in New Mexico. The appropriation is recommended by the department and meets with the approval of the committee.

PURCHASE OF HARGROVE OR ARDMORE COLLEGE PROPERTY.

(Bill, p. 63, line 23; hearings, p. 550.)

This appropriation of $16,500 is for the purchase of the property known as Hargrove or Ardmore College, situated at Ardmore, Okla., to be reserved and used as a boarding school for the Chickasaw Nation. The committee has been provided with the following justification for this amendment:

Accompanying this is a proposed item authorizing the Secretary of the Interior to expend the sum of $16,500 of Chickasaw tribal funds for the purchase of the Hargrove College property at Ardmore, Okla. It is intended to continue

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at this place the tribal school heretofore known as Bloomfield Seminary. Bloomfield Seminary has been at Hendrix, situated upon a tract of land reserved for school purposes by act of July 1, 1902 (32 Stat. L., 641). Recently the main building at Bloomfield was destroyed by fire. Insurance thereon will probably be collected to the amount of approximately $15,000.

The matter of the purchase of the Hargrove property, to be used in lieu of the old property, has been carefully investigated and is a very desirable proposition, both financially and for other reasons. The buildings are substantial and can be put in first-class condition by the expenditure of a small amount for plumbing and incidental repairs. If this purchase can be consummated, the Bloomfield property will be sold and the proceeds deposited to the credit of the tribes. It will cost the service at least $16,500 to replace the main building at Bloomfield if it be compelled to continue the school there.

The Bloomfield buildings were recently destroyed by fire, as stated in the justification, and the commissioner would like to have this item incorporated in the bill.

PAYMENT OF MRS. ROBERT LEO BOWMAN.

(Bill, p. 64, line 4; hearings, p. 307.)

The hearings before the House committee, at page 272 of its hearings, as well as the statement of the commissioner, page 307 of the Senate committee hearings, justify this payment of $5,000 to Mrs. Robert Leo Bowman, widow of Robert Leo Bowman, late deputy special officer for the suppression of liquor traffic among the Indians, who was killed in the performance of his duty. The trial for the conviction of the persons accused is now in the courts, and it being apparent that the officer was killed in the performance of his duties, it is desired by the department that in every meritorious case of this character their officers should be encouraged by provisions in case of eventualities such as the one in question. The committee heartily recommends the adoption of the item.

SALE TO THE STATE OF OKLAHOMA OF LAND IN PITTSBURG COUNTY, OKLA.

(Bill, p. 64, line 10.)

In the case of this sale, which is for the purpose of permitting the State to use this land for military educational school, all of the coal and asphalt on or under said land is reserved. The sale is to be for cash and at an appraised price to be fixed by appraisers appointed by the President. This item has the recommendation of the department, the House Committee on Indian Affairs, and of the committee.

PAYMENT TO WILLIAM VOLZ.

(Bill, p. 65, line 12.)

This item is justified by the following letter from the Commissioner of Indian Affairs:

MAY 2, 1914.

MY DEAR SENATOR: I have received your letter of April 13, 1914, inclosing certain communications relative to claim of Mr. William Volz, of Fort Cobb, Okla. It is noted that you have been requested to have a provision inserted in the Indian bill for the payment of this claim.

You are advised that the records of this office show that on June 20, 1906 the superintendent of the Moqui School, Arizona, was instructed to submit to this office a certified voucher, in duplicate, in accordance with the regulations,

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covering this claim. It appears that the superintendent, Mr. Theo. G. Lemmon, who is not now in the Indian Service, prepared the certified voucher called for, and claims to have sent the original thereof to Mr. Volz for execution by him and transmittal to this office. The superintendent transmitted the duplicate direct, but the original voucher has never been received.

It appears from the records that no voucher has ever been prepared and paid through this office covering the claim of Mr. Volz, but that such claim is legitimate, the duplicate voucher in the Indian Office files certified to by former Supt. Lemmon reading as follows:

"October 31, 1905. To hire of one horse for the use of the agency physician at Oraibi, June 23 to October 31, 1905, 131 days, at 50 cents per day, $65.50."

It appears that the reason this claim has not been settled is because of noncompliance with the requirements of the department and the separation from the service of former Supt. Lemmon.

Very truly, yours,

CATO SELLS, *Commissioner.*

Hon. ROBERT L. OWEN,
United States Senate.

ADMINISTRATIVE EXPENSE, FIVE CIVILIZED TRIBES.

(Bill, p. 65, line 19; hearings, p. 522.)

The House appropriation has been increased by the addition of $50,000, and provision is made for abolition of the offices of Commissioner to the Five Civilized Tribes and appointment of a superintendent.

CONVEYANCE TO DWIGHT MISSION SCHOOL, OKLAHOMA, OF 26 ACRES OF LAND.

(Bill, p. 66, line 16; hearings, p. 549.)

Authority is given the chief of the Cherokee Nation to convey to the Dwight Mission School 26 acres of land at $25 per acre. An act of Congress had been passed authorizing the purchase by the mission school, but for some reason they failed to comply within the time limited. The authority to convey the property is recommended.

AUTHORIZING COURT OF CLAIMS TO DETERMINE CLAIM OF JOHN W. WEST HEIRS.

(Bill, p. 67, line 3; hearings, p. 598.)

Authority is given the Court of Claims to determine the rights of certain heirs of John W. West to funds alleged to be due. A full statement of the matter is shown on page 598 of the hearings. The legislation has been several times recommended by committees of the House and Senate.

CHEROKEE ORPHAN TRAINING SCHOOL, TAHLEQUAH, OKLA.

(Bill, p. 68, line 5; hearings, p. 515.)

The committee has increased the sum appropriated by the House to $50,000, this being an increase of $8,000, designed for repairs and improvements. This is in accordance with the department estimates,

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a gratuity appropriation, and is for the care of orphans. The proviso is added that any unexpended funds shall be used for the purchase of land. (Hearings, p. 515.) An unexpended balance remaining is to be utilized for the purpose mentioned, hence the increase requested by the department is recommended. (House hearings, p. 593.)

CREEK ALLOTMENTS.

(Bill, p. 70, line 6; hearings, pp. 707, 718.)

Authority is given the commissioner to pay out Creek tribal funds now in the Treasury and in the banks of Oklahoma in a sum sufficient to equalize the allotments of all persons enrolled under the original Creek agreement, so that each may receive an amount which, plus the appraised value of land which he might have received under prior allotment, shall equal $800, inclusive of said appraised value of land. The commissioner is given authority to expend $10,000 of Creek tribal funds to meet the expense of the allotments. A full discussion of this item is found in the hearings of this committee, pages 707–711, and your committee recommends the disbursement.

ENROLLMENT OF CREEK (MUSKOGEE) NATION.

(Bill, p. 72, line 11; hearings, p. 550–662.)

No appropriation is carried by this amendment, but the names of applicants who appear justly entitled to enrollment were compiled by W. C. Pollock, assistant attorney for the Interior Department, January 15, 1912, and appear in Senate Document No. 1139, Sixty-second Congress, third session.

The adoption of this provision is recommended by the committee.

CITIZENSHIP OF THE FIVE CIVILIZED TRIBES.

(S. Doc. No. 478; bill, p. 73, lines 6–10.)

During the last seven years there has been considerable complaint by certain claimants to citizenship in the Five Civilized Tribes insisting that they were entitled to enrollment. The present item enrolls those persons who have been found by the office of the Commissioner of Indian Affairs apparently equitably entitled to enrollment, including 8 Seminoles by blood, 62 Creeks by blood, 3 Creek freedmen, 130 Cherokees by blood, 3 Cherokee freedmen, 10 Chickasaws by blood, 1 Chickasaw freedman, 23 Choctaws by blood, 21 Mississippi Choctaws, 1 intermarried Choctaw, 37 Choctaw freedmen, and 18 members of the Nichols family of Choctaws by blood, approved by the Choctaw and Chickasaw attorneys.

Since these persons are agreed to be entitled by the Commissioner of Indian Affairs and by the attorneys for the Choctaw, Chickasaw, and Creek Nations to enrollment there would seem to be no reason why their enrollment should be further delayed. (See committee print, p. 72; Hearings, p. 550.)

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CONFERRING AUTHORITY ON COURT OF CLAIMS TO DETERMINE CLAIMS OF MUSKOGEE (CREEK) NATION.

(Bill, p. 73, line 11; hearings, p. 561–571.)

Authority is given to the Court of Claims to take jurisdiction of claims of members of this tribe up to the sum of $1,040 each, as may appear effective by the agreement between said tribe and the United States, ratified by Congress May 1, 1901. The amendment carries no appropriation and reference is here made to the brief of Judge R. C. Allen, filed with this committee (Hearings, p. 561), and the adoption of this legislation is recommended.

EXPENSE OF GENERAL COUNCIL OF CREEK NATION.

(Bill, p. 77, line 5; hearings, p. 750.)

The sum of $10,000 is authorized by this amendment to be withdrawn for the purpose of paying mileage and per diem of members, and other incidental expenses of such council meeting, upon approval of the Commissioner of Indian Affairs, the commissioner being given authority to fix the time for calling said session and to fix the time that it shall remain in session. The provision has the committee's recommendation.

For a year or more the Creeks have not been satisfied with conditions existing in the Nation and with the way Washington has handled their affairs. They have not been able to meet. They now have valuable property and it is their desire to meet with the commissioner and hold a council in which he shall participate.

PER CAPITA PAYMENT CHOCTAWS AND CHICKASAWS.

(Bill, p. 77, line 18; hearings, p. —.)

The payment of $100 each to the Choctaws and Chickasaws and $15 per capita to the Cherokees is recommended by the department and is justified by the fact that the Government has the money on hand, subject to distribution under the treaties with these tribes, and the distribution is needed by the people, to whom it has been promised by the various treaties.

It is suggested that an amendment along the lines of the draft herewith be inserted in the Indian appropriation bill in lieu of the amendment intended to be proposed by Senator Gore thereto in reference to the making of a per capita payment to enrolled members of the Choctaw, Chickasaw, and Cherokee Tribes of Indians.

The proposed amendment of Mr. Gore does not make any provision for the payment to the heirs of deceased enrolled members nor any provision for the Secretary in the case of restricted or incompetent Indians to supervise the expenditure of the per capita amount. The office believes that a per capita payment should be made to the members of the above tribes of Indians of not exceeding $100 in the case of the Choctaw and Chickasaw Tribes and of $15 in the case of the Cherokees. The tribal funds are sufficient to warrant such payment. It is understood that the Indians are in need. Furthermore,

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the per capita distribution at this time will be one additional step toward the completion of the work of closing up the tribal affairs of said Indian nations.

SALARY SIX OIL AND GAS INSPECTORS.

(Bill, p. 78, line 11; hearings, p. 544.)

The amendment shows an increase of $25,000 and is recommended by the department. The conservation of gas throughout the Indian territory is a problem. The amendment should be adopted, so that provision may be made to prevent loss. The justification for this item is shown by the following letter from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, April 7, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: I am much concerned about the extensive and unnecessary waste of natural gas and the loss in the value of the oil production from the inflow of underground water on the Indian lands and adjacent private lands in the State of Oklahoma, and I am writing to ask attention to those problems in connection with your consideration of the Indian appropriation bill now before your committee.

This department has had three men investigating these suvjects during the past year, and their investigations have brought out the following facts:

(1) That there is a constant and unnecessary waste of natural gas from the Indian lands and adjacent private land in the State of Oklahoma, which during the year 1913 is estimated to have reached not less than 200,000,000,000 cubic feet of gas.

That with the average price of natural gas to the consumer in Oklahoma during 1912 about 7.6 cents per 1,000 cubic feet, this means an economic loss to the people of that State during this one year equivalent to not less than $16,000,000, according to reports by the Bureau of Mines. It is estimated that at least 30 per cent of this waste occurred on restricted Indian lands.

(2) That in addition to the waste of natural gas, the oil resources on Indian lands in Oklahoma are being seriously damaged through the inflow of underground water from oil wells penetrating the oil-bearing strata, and which water is not being properly imprisoned within its own strata, and is being allowed to penetrate the oil-bearing strata and to reduce the value of the oil, not only by driving the oil back from the wells, but is further mixing with the oil, so that in the case of pumping wells an increasingly large quantity of water must be brought to the surface in order that the oil may be secured.

This situation as to both oil and gas in Oklahoma not only involves this loss to the Indians but it is discreditable to our national intelligence.

The Indian Office of the department as now organized has no adequate inspection force with which it can prevent this embarrassing and wasteful situation. To adequately meet this situation in such manner as will both protect the interests of the Indian landowners and also save for the use of the people of Oklahoma these invaluable oil and gas resources, it will require an inspection force of six men, whose combined salaries and expenses will not exceed $25,000 per annum, to bring about this saving of more than one-quarter of a million dollars for the members of the Five Civilized Tribes. The present waste of gas is so inexcusable and is such a serious detriment to the interests of the tribes, as well as to the people of the State of Oklahoma, that I can not too strongly urge that your committee make provision for such an inspection force in the pending Indian appropriation bill.

I am attaching herewith a draft of amendment which will accomplish this purpose. I believe that an adequate inspection force, organized under these provisions, will mean a net saving to the Indians of the Five Civilized Tribes for some years to come of not less than $200,000 per annum, and I believe the good results to come from such an inspection will be of far greater service to

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the people of Oklahoma and to the country at large, in connection with the practical conservation for present day use of the oil and gas resources of that State.

Cordially, yours,

FRANKLIN K. LANE.

DETERMINATION OF HEIRSHIP, FIVE CIVILIZED TRIBES.

(Bill, p. 78, line 18.)

This amendment carries no appropriation and is authority to the Commissioner of Indian Affairs to determine questions of heirship as to allotment. It meets with the approval of your committee and should be adopted.

SUPPORT AND EDUCATION INDIAN PUPILS, INCLUDING ALASKAN PUPILS, SALEM (OREG.) SCHOOL.

(Bill, p. 80, line 1; hearings, p. 156.)

The amendment providing for an increase of $15,000 is for construction of an assembly hall. The estimates show that the building will cost about the amount mentioned, and the amount is asked for by the department.

PROMOTION OF CIVILIZATION AND SELF-SUPPORT, PURCHASE OF IMPLEMENTS, WARM SPRINGS RESERVATION, OREG.

(Bill, p. 80, line 15; House hearings, p. 618.

This amendment is similar to others adopted by the committee for Montana, Arizona, and New Mexico, and provides for its repayment. These reimbursable appropriations are known as "revolving funds," and the item is recommended by the committee.

SUPPORT AND EDUCATION INDIAN PUPILS FLANDREAU, S. DAK.

(Bill, p. 82, line 1; hearings, p. 158.)

The amendment increases the appropriation $5,000, for repairs and improvements, generally, and for repairs to and enlarging dairy barn. Three hundred and sixty-five Indian pupils are cared for at the school and the department has estimated that the sum requested is essential.

SUPPORT AND EDUCATION INDIAN PUPILS PIERRE, S. DAK.

(Bill, p. 82, line 7; hearings, p. —.)

The increase of $3,500 for the purchase of 10 acres of land adjoining the school grounds at this institution is necessary and is justified by the department on page 625 of the hearings before the House committee.

ASYLUM FOR INSANE INDIANS, CANTON, S. DAK.

(Bill, p. 83, line 19; hearings, p. 461.)

The amendment increases the appropriation $5,000. It is to provide new buildings, with which 27 more patients than the 53 now

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there can be provided for, as the department has more insane Indians than can be provided for there. In fact, patients whose friends make applications for them at this institution are being turned away for lack of facilities. The item is recommended.

HIGHWAY, STANDING ROCK INDIAN RESERVATION, S. DAK.

(Bill, p. 83, line 25; hearings, pp. 1–5 of suppelment.)

The amendment carries $1,000 and provides for the investigation for the necessity for a highway through the reservation along the trail now used by the Indians. If feasible $50,000 will be required to build the road, which follows the line of the St. Paul Railway through the reservation. The investigation by the department is recommended by the committee.

PAY OF PHYSICIAN, SHIVWITZ INDIAN SCHOOL, UTAH.

(Bill, p. 84, line 24.)

The amount appropriated, $500, is fully justified by the statement of the assistant commissioner before the House committee, and it appears that there are 126 Indians at a school maintained at Shivwitz; near by lives a physician who, under contract, performs services for the children, and the committee recommends the adoption of the measure.

CONFEDERATED BANDS OF UTE INDIANS; WITHDRAWAL OF TRIBAL FUNDS.

(Bill, p. 85, line 1.)

The hearings before the House committee, page 652, show that it is the desire of the department to use the fund authorized to be withdrawn, $500,000, for the promotion of industry among the Indians. They have had constructed out of their funds an irrigation project costing $800,000. They have been allotted, and if they do not make beneficial use of the water from the irrigation project at an early day they will lose their water rights and the use and benefit of the irrigation project. This is a very important item and as the Indians have the funds, the authority to withdraw is recommended.

FULFILLING TREATIES WITH UTE INDIANS.

(Bill, p. 85, line 17; hearings, p. 65.)

From the hearings it will appear that the apparent increase is a typographical error and the $5,000 should have been allowed by the House. (See testimony of assistant commissioner, p. 65, Senate committee hearings.)

PROTECTION OF GOVERNMENT BRIDGE, MYTON, UTAH.

(Bill, p. 86, line 14.)

The excessive floods created an emergency for the protection of the Government bridge at Myton, Utah, and the expenditure should be authorized.

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WATER SUPPLY FOR YAKIMA RESERVATION, WASH.

(Bill, p. 87, line 12; hearings of April 25.)

The amendment provides for the expenditure of $200,000, one-half to be used to provide a water supply on the Wapato project, on the Yakima Indian Reservation, and one-half to provide for the beginning of construction and enlargement and extension of irrigation for distribution and drainage on said reservation.

This appropriation is reimbursable, it has the approval of the department, and certain members of your committee have visited the locality and are not opposed to the amendment.

The estimated cost of the Wapato project completed is $4,000,000; area for completed project, 120,000 acres; area which can be supplied from completed works without additional construction, 54,000; total cost of project to June 30, 1913, $506,786.08; average value of irrigated lands, $150.

The full details of the present status of the work undertaken will be found on page 672 of the hearings before the House committee. It is recommended that the item be allowed as estimated by the department.

SUPPORT AND EDUCATION OF INDIAN PUPILS AT HAYWARD, WIS.

(Bill, p. 90, line 20; hearings, p. 170.)

The amendment increases the amount allowed by the House by the sum of $2,000. This is a necessity, according to the estimate of the department, for the repair and improvement fund of the school. Two hundred and ten pupils are provided for at a cost of $36,670, and it is estimated that the repairs and improvements necessary will amount to $6,000. The committee recommends the appropriation.

SUPPORT AND EDUCATION OF INDIAN PUPILS AT TOMAH, WIS.

(Bill, p. 90, line 25; hearings, p. 171.)

The amendment provides for an increase of $15,000 for the construction of an employees' building.

Last year we urged the adoption of an amendment which would permit of the erection of an employees' building at the Tomah School. It is the understanding that this improvement has been urged upon the department, but for some reason no estimate covering it was included in the report made to the Indian Committee of the House of Representatives.

The employees of the school for the most part are quartered in the boys' building. The boys occupy quarters in large dormitories. They are divided into cadet companies, each with its own officers. These officers and the older boys are compelled to sleep in the dormitories with the smaller boys. The older boys need extra time for study, and they should be separated from the smaller boys, so that they could have the opportunity for study. If they could be segregated in this way, their influence over the younger boys would be much greater. The room now occupied by employees is needed in

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order to give proper sleeping accommodations for the pupils. The schools at Oneida, Wittenberg, Keshena, and Lac du Flambeau have employees' buildings. These schools for the most part are smaller than the one at Tomah.

The enrollment at the Tomah School during the past year has been 277, and the average attendance has been 235. It is crowded and needs the relief that would be provided by the erection of a building to quarter the officers.

SALE OF TIMBER AND PER CAPITA PAYMENT OF TRIBAL FUNDS DERIVED THEREFROM, BAD RIVER BAND OF CHIPPEWA INDIANS, WISCONSIN.

(Bill, p. 91, line 10; hearings of April 22, 23, 24.)

This amendment does not call for an appropriation, but authorizes the sale of timber and distribution of tribal funds derived from such sale. A full discussion of this amendment has been held before this committee, and it appears that all members of the tribe heretofore in many instances divided in sentiment respecting the proposed legislation have sunk all their differences in an agreement on the form of this legislation in view of the fact that there are many needy members of this band of Indians. A large sum is now to their credit in the Treasury, and the unallotted members are to be enrolled. Ample safeguards have been thrown about the sale and disposition of the timber and in the event no satisfactory bid is received provision is made for the construction of a sawmill, and the lumbering operations will be carried on by the Indians, or in their behalf, all supervised by department officials. It is earnestly recommended that the amendment be adopted.

RELIEF OF ST. CROIX CHIPPEWA INDIANS, WISCONSIN.

(Bill, p. 94, line 12; hearings, p. —, of April 24, 1914.)

The amendment (carrying $25,000) was drafted by the department and recommended as a separate bill. The justification therefor is shown in the following communication from the department to Mr. Lenroot, of Wisconsin:

DEPARTMENT OF THE INTERIOR,
Washington, January 28, 1914.

MY DEAR MR. LENROOT: The department has received your letter of December 11, 1913, addressed to the Commissioner of Indian Affairs, transmitting a tentative draft of a bill for the relief of the St. Croix Band of Indians in Wisconsin, and has considered carefully the proposed item of legislation in connection with the previous correspondence and papers bearing upon the history and the needy condition of these Chippewa Indians.

It appears from the records that about 1909 the department caused an investigation to be made as to the status of these Chippewa, numbering about 300, and living on the public domain in the vicinity of the junction of the Yellow and St. Croix Rivers, near Burnett, Wis., in Washburn, Burnett, and Polk Counties. They were found to be mainly full-blooded Chippewa, who were destitute and eked out a precarious living by hunting in a small way—mainly muskrats—picking berries, digging roots, etc. The investigation disclosed also that while they maintained that they were descended from the Chippewa of the Bad River Reservation, the Indians thereof repudiated them, as they had never lived thereon, and alleged that they were related to the Mississippi Chippewa, though no evidence was submitted in support of this allegation.

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The poverty-stricken condition of these full-blood Chippewa has appealed strongly to the department, and an endeavor was made to have them allotted on the Bad River Reservation. However, upon the evidence submitted, in a decision rendered September 20, 1909, it was said:

"The question of the right of persons to allotment with the La Pointe Band of Chippewa Indians on the La Pointe or Bad River Reservation, turns upon the language of the treaty of 1854, 'and such other Indians as may see fit to settle with them,' and the language of the act of 1901, 'each Indian now living and residing on said reservation and entitled to so reside.'

"It is obvious that under the treaty actual removal to the reservation of persons not already there was a condition precedent to the establishment of rights on such reservation. The act of 1901 includes only those Indians who were residing on the Bad River Reservation and entitled to so reside there at the date of said act. Hence, members of the St. Croix Band, or any other band, who were not living and residing on the La Pointe or Bad River Reservation, and entitled to so reside, at the date of the act of February 11, 1901, are not entitled to receive allotments on such reservation by reason of said act.

"It may be that the St. Croix Band of Indians in question are entitled to allotments on the Lac du Flambeau or Lac Court Oreilles Reservations under the third paragraph of Article II of the treaty of September 30, 1854. As said in departmental letter of February 25, 1909, 'undoubtedly some measure should be taken in behalf of these Indians, possibly in the direction of securing legislation,' and the matter is commended to your earnest consideration."

From the investigation mentioned it does not seem that these Chippewa in question would be able to establish, by satisfactory evidence, that they belong to either of the Chippewa of the Lac du Flambeau or Lac Court Oreilles Reservations. Further, the moneys and lands of these Chippewa have heretofore been segregated and there are now no benefits which could be granted at either of these reservations should a further investigation establish the St. Croix Band as related thereto.

Your proposed bill provides in effect that the Secretary of the Interior shall cause an investigation to be made as to the rights of these Indians and shall make a roll or census thereof; that such of them as may be enrolled will thereafter be entitled to participate in all the benefits provided by the act of January 14, 1889 (25 Stat., 642), for the Chippewa of the State of Minnesota, except of section 3 thereof. It provides also that a sum of money shall be appropriated to compensate these Indians so enrolled for the value of lands which they have not received as Chippewa of Minnesota.

The creation of this fund for the Chippewa of Minnesota was one of the inducements to those Indians to accept the provisions of the act of 1889, which did not become effective until so accepted. The benefits were to be confined to the Chippewa of Minnesota, and to now divert a portion of the fund to the benefit of other Indians would be to disregard the express promises given in said act of 1889.

The department concurs heartily in your views that some action should be taken to relieve these destitute St. Croix Chippewa and believes that a further and more searching investigation might result in establishing that they are descendants either of the Chippewa of Minnesota or of the Bad River Band at La Pointe—perhaps that they are related to both the Lake Superior Chippewa and those of the Mississippi. It also is thought that should a further investigation be made, as indicated, the results thereof should be reported to Congress with a statement as to what tribal benefits in land and money these needy Indians would have been entitled had they removed to a reservation in either of the said States; and that it would be an act of humanity to have a small appriation made for the investigation proposed and also to purchase food, clothing, and medicines, and other supplies for these Indians. To this end there has been prepared a rough draft of a bill which, it is thought, would meet the requirements and which is submitted herewith for your consideration.

Your tentative bill is returned and a carbon copy of this letter is also inclosed for your use.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. I. L. LENROOT,
House of Representatives.

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PROMOTION OF CIVILIZATION AND SELF-SUPPORT, SHOSHONE RESERVATION, WYO.

(Bill, p. 96, line 23.)

This is a reimbursable appropriation and the amendment provides for the expenditure of $50,000 to be used in the purchase of live stock, seed, agricultural implements, and vehicles, to be advanced to the Indians and to be repaid. The repayments are to be further advanced to the Indians individually until June 30, 1924, constituting what is known as a "revolving fund." This is an appropriation similar to those provided for the various Indians in Arizona, Montana, New Mexico, and Oregon. The amendment has the approval of your committee, as the fund is urgently needed.

REIMBURSEMENT OF REV. N. S. THOMAS.

(Bill, p. 98, line 22.)

The justification is provided for this amendment of $391.84 by the department's report on S. 4610, covering the same subject, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 19, 1914.

MY DEAR SENATOR: There has been received a letter from the former chairman of the Senate Committee on Indians Affairs, dated February 26, 1914, inclosing a copy of a bill (S. 4610) for the relief of the Right Rev. N. S. Thomas.

The facts in connection with this matter are as follows:

In the year 1910 authority was granted to the Episcopal Church, through the Right Rev. N. S. Thomas, bishop of Wyoming, for the use of one of the buildings at old Fort Washakie, Shoshone Indian Reservation, Wyo., for the purpose of teaching lacemaking to the Indians. In the following year Bishop Thomas requested that certain repairs be made to this building, the estimated value of which was $527, which request was denied. Later by letter dated October 7, 1911, authority was granted to Bishop Thomas to make such repairs as were necessary to the building in question at his own expense, it being added that "these repairs and improvements will be accepted as the consideration for the use of the buildings on which they are made." The Government reserved the right, however, to take possession of the property at any time it so desired.

Bishop Thomas had the neessary repairs made at a total cost of $694.84, but the Government has recently exercised its right to the buildings in question, they being needed for agency purposes.

The amount expended by Bishop Thomas for repairs is far in excess of what would be a reasonable rental for these buildings, and an opinion was requested from the Comptroller of the Treasury as to whether the excess cost of repairs, amounting to $391.84, might be paid from funds applicable for the repairs of Indian school and agency buildings for the fiscal year 1912, in which such repairs were made.

In an opinion dated January 8, 1914, the Comptroller of the Treasury answered this query in the negative, and as no other funds were available for the settlement of this claim, the Commissioner of Indian Affairs advised Senator Warren to this effect.

The superintendent of the Shoshone Indian School reports that after a careful investigation it appears from itemized bills and accounts furnished by Bishop Thomas that of the $694.84 claimed, $291.84 was expended for material and freighting, and $403 for labor. A portion of this covered the erection of a small barn, the total cost of which was $104.20. Permission was given Bishop Thomas to remove the barn, hence the aggregate amount of his claim should be reduced by the cost thereof. This would leave a balance claimed of $590.64. But the superintendent says that he is unable to reconcile the charges made for labor with the amount of work done, and he recommends that Bishop Thomas be reimbursed in the amount of $291.84 for material and freighting,

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$100 for labor, and be permitted to remove the barn, a temporary structure, which cost $104.20 to erect.

It is believed, therefore, that a payment of $391.84 to Bishop Thomas would be a fair settlement of the claim made by him.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

HON. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

INSTALLATION OF BOOKKEEPING SYSTEM, INDIAN OFFICE.

(Bill, p. 99, line 26.)

The amendment provides $10,000, and has in view a more complete and concise system of accounting by the department. This item has been carried in previous appropriation bills, but was not finally made applicable until the present, when the Commissioner of Indian Affairs has requested the amendment in the form proposed. It comprehends the rendition of complete and perspicuous accounts at stated intervals, omits treaty items, except perpetual annuities and benefits, for fixed unexpired terms, and in cases where treaty appropriations are to be discontinued under this provision and those appropriations are necessary for the support and civilization of the Indians, there shall be estimated gratuity appropriations therefor.

The amendment is recommended by your committee.

There is submitted as an addenda a statement showing the total items of appropriation, gratuity, reimbursable, treaty, and whether from Indian funds; also increase over or decrease under House appropriations. Under the system of accounting provided for in section 26 (proposed) much of the work outlined can be eliminated.

ADDENDA.

Analysis of Indian appropriation bill, 1915.

	Gratuity.	Reimbursable.	Treaty.	Indian funds.	Increase over House	Decrease under House.
Surveying and allotting Indian reservations		$200,000.00			$50,000.00	
Irrigation, Indian reservations	$345,700.00					
Suppression of liquor traffic	100,000.00					
Relieving distress and prevention of diseases among Indians	310,000.00				50,000.00	
Indian schools, support	1,500,000.00				60,000.00	
Indian schools and agency buildings	480,000.00				80,000.00	
Indian school, transportation	72,000.00					
Industrial work and care of timber	500,000.00				100,000.00	
Purchase of goods and supplies	300,000.00					
Telegraphing and telephoning, Indian Service	10,000.00					
Court suits costs, etc., involving Indian land	2,000.00					
Expenses of Indian commissioners	25,000.00				21,000.00	
Pay of Indian police	200,000.00				50,000.00	
Pay of judges, Indian courts	8,000.00					
General expenses, Indian Service	125,000.00				8,550.00	
Indian-Service inspectors	30,000.00				30,000.00	
Determination of heirs of deceased Indians		100,000.00				
Encouraging industry among Indians		100,000.00				$300,000.90
Increasing salary Commissioner of Indian Affairs	2,500.00				2,500.00	
Relief of Chettimanchi Indians, Louisiana	1,500.00				1,500.00	

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Analysis of Indian appropriation bill, 1915—Continued.

	Gratuity.	Reimbursable.	Treaty.	Indian funds.	Increase over House.	Decrease under House.
Payment to M. L. Mott for services in connection with Creek Nation, Oklahoma				$682.42	$632.42	
Support of Indians in Arizona and New Mexico	$330,000.00					
Indian school, Fort Mojave, Ariz.	38,900.00					
Indian school, Phoenix, Ariz.	158,900.00					
Indian school, Truxton, Canon, Ariz.	21,200.00					
School facilities, Papago Indians	50,000.00				50,000.00	
Irrigation, Pima Indian lands		$10,000.00				
Water supply, nomadic Papagos	5,000.00					
Construction bridge, Moencopi, Wash	6,000.00					
Irrigation, Colorado River Reservation		15,000.00				
Bridge across Colorado River (investigation)						$1,000.00
Bridge across Colorado River at or near Topock, Ariz.	25,000.00				25,000.00	
Irrigation, Papao Indian lands	50,000.00				50,000.00	
Dike, Fort Mojave Indian Reservation	5,000.00					
Water supply, Papao Indian villages	35,600.00				15,600.00	
Navajo school facilities			$100,000.00			
Water supply, Navajo Indians		50,000.00			35,000.00	
Camp Verde school lands	20,000.00				20,000.00	
Purchase of implements, etc., Colorado River and Yuma Reservations		50,000.00			50,000.00	
Investigation San Carlos project	50,000.00				50,000.00	
California.						
Support of Indians	50,000.00				8,000.00	
Lands for homeless Indians in California	20,000.00				10,000.00	
Indian school, Riverside, Cal.	129,400.00				15,400.00	
Reclamation and maintenance charge Yuma allotments		40,000.00				
Indian schools:						
Fort Bidwell, Cal.	25,000.00				5,000.00	
Greenville, Cal.	25,000.00					
Relief May Stanley	6,000.00				6,000.00	
Idaho.						
Support and civilization Indians, Fort Hall Reservation	30,000.00					
Land and buildings, Fort Lapwai Sanitarium	40,000.00				40,000.00	
Maintenance and operation, Fort Hall irrigation system		40,000.00			20,000.00	
Support of Bannocks, Idaho			5,000.00			
Support of Coeur d'Alenes, Idaho			3,000.00			
Purchase of implements, etc., Fort Hall Reservation		50,000.00			50,000.00	
Pay of employees Nez Perce Agency	5,500.00				5,500.00	
Reimbursing M. D. Colgrove	6.00				6.00	
Iowa.						
Expenses Sac and Fox Agency	1,000.00				1,000.00	
Kansas.						
Indian schools:						
Lawrence, Kans.	171,250.00				32,500.00	
Kickapoo Reservation Kans.	17,360.00					
Support of Sac and Foxes of the Mississippi			100.00			

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Analysis of Indian appropriation bill, 1915—Continued.

	Gratuity.	Reimbursable.	Treaty.	Indian funds.	Increase over House.	Decrease under House.
Michigan.						
Indian school, Mount Pleasant, Mich	$91,450.00				$30,175.00	
Pay of employees, Mackinac Agency	3,600.00				3,600.00	
Payment of Joseph Bradley for Saginaw, Swan Creek, and Black River Bands of Chippewa Indians			$30.65		30.65	
Minnesota.						
Indian School, Pipestone, Minn	48,675.00					
Fulfilling treaties with Chippewas of the Mississippi			4,000.00			
High-school teachers, White Earth			6,000.00		6,000.00	
Tribal funds:						
Chippewa Indians of Minnesota—						
Civilization and support				$173,500.00		$41,500.00
Annual celebration				1,000.00		
Extension of water system				1,000.00		
Expenses delegation visiting Washington				1,500.00	1,500.00	
Payments of assessments against allotted and tribal lands, Fond du Lac Reservation, Minn		$13,080.00			13,080.00	
Expenses council at Bemidji, Minn				1,500.00	1,500.00	
Hospitals				75,000.00	25,000.00	
Council Hall, vicinity of Sawyer				1,000.00		
Construction of bridge near Cass Lake				5,000.00		
Montana.						
Support of Indians:						
Fort Belknap Agency	20,000.00					
Flathead Agency	15,000.00				3,000.00	
Fort Peck Agency	35,000.00				5,000.00	
Blackfoot Agency	20,000.00				5,000.00	
Milk River irrigation system		20,000.00				
Irrigation system:						
Flathead Reservation		250,000.00			150,000.00	
Blackfoot Reservation		50,000.00				
Fort Peck Reservation		50,000.00				
Fulfilling treaties with Crows			6,000.00			
Payment to trustees school district No. 23	471.60				471.60	
Relief of widow of Geo. A. Miller	200.00				200.00	
Subsistence and civilization, Northern Cheyennes and Arapahoes			85,000.00			
Line riders, Northern Cheyenne Reservation	1,500.00					
Support of Rocky Boys Band of Chippewas	10,000.00					
Stock cattle, Northern Cheyenne Indians		50,000.00			50,000.00	
Purchase of implements, etc., for—						
For Peck Reservation		100,000.00			100,000.00	
Blackfeet Reservation		100,000.00			100,000.00	
Flathead Reservation		100,000.00			100,000.00	
Nebraska.						
Indian School, Genoa	99,300.00				20,800.00	
Expenses Omaha and Winnebago agencies	6,040.00				6,040.00	
Nevada.						
Support and civilization of Indians	18,500.00					
Indian school, Carson City	60,100.00				12,400.00	

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Analysis of Indian appropriation bill, 1915—Continued.

	Gratuity.	Reimbursable.	Treaty.	Indian funds.	Increase over House.	Decrease under House.
New Mexico.						
Indian schools:						
Albuquerque	$106,600.00				$33,000.00	
Sante Fe	72,850.00				5,700.00	
Attorney for Pueblo Indians	2,000.00					
Purchase of implements, etc., for Indians, Mescalero Reservation		$200,000.00			200,000.00	
New York.						
Fulfilling treaties:						
With Senecas			$6,000.00			
With Six Nations			4,500.00			
Expenses of New York Agency	2,500.00				2,500.00	
North Carolina.						
Indian school, Cherokee, N. C.	36,000.00					
North Dakota.						
Support and civilization of Indians:						
Sioux of Devils Lake	5,000.00					
Fort Berthold Agency	15,000.00					
Turtle Mountain Band	15,000.00				4,000.00	
Indian schools:						
Bismarck, N. Dak	20,200.00					
Fort Totten, N. Dak	82,500.00				8,000.00	
Wahpeton, N. Dak	85,200.00				47,000.00	
Settlement, Turtle Mountain Indians	25,000.00				25,000.00	
Purchasing cattle for Standing Rock Indians				$100,000.00		
Headstone to mark grave of Scarlet Crow	100.00				100.00	
Oklahoma.						
Support of Wichitas and affiliated bands	5,000.00					
Tribal funds:						
Kiowa-Comanche and Apache Indians—						
Support of agency				25,000.00		
Maintenance and support				250,000.00		
Support and civilization:						
Cheyennes and Arapahoes, Oklahoma	35,000.00					
Kansas Indians, Oklahoma	1,500.00					
Kickapoo Indians, Oklahoma	2,000.00					
Ponca Indians, Oklahoma	8,000.00					
Indian school, Chilocco, Okla	111,250.00				18,000.00	
Fulfilling treaties with Pawnees, Oklahoma			47,100.00			
Pay of employees:						
Sac and Fox Agency	2,060.00				2,060.00	
Seneca Agency	1,500.00				1,500.00	
Support of Quapaws, Oklahoma			1,500.00			
Purchase of furniture from Mr. Gabe Parker				286.00	286.00	
Payment to Women's Board of Domestic Missions	10,000.00				10,000.00	
Purchase of property known as Hargrove College				16,500.00	16,500.00	
Relief of Mrs. Robert Leo Bowman	5,000.00				5,000.00	
Payment to William Volz for horse hire June to October, 1905	65.50				65.50	
Five Civilized Tribes:						
Administration affairs	200,000.00				50,000.00	
Probate attorneys	85,000.00					
Cherokee Orphan Training School	50,000.00				8,000.00	
Common schools, Five Civilized Tribes	275,000.00					
Expenses of equalization of Creek allotments				10,000.00	10,000.00	

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Analysis of Indian appropriation bill, 1915—Continued.

	Gratuity.	Reimbursable.	Treaty.	Indian funds.	Increase over House.	Decrease under House.
Oklahoma—Continued.						
Sale of unallotted land, Five Civilized Tribes				$40,000.00		
Fulfilling treaties with Choctaws, Oklahoma			$10,520.00			
Tribal funds, Choctaw Hospital				50,000.00		
For expenses Creek Tribal Council				10,000.00	$10,000.00	
Salaries and expenses six oil and gas inspectors	$25,000.00				25,000.00	
Support and civilization Oregon Indians, Klamath Agency	6,000.00					
Support and civilization, Confederated Tribes and Bands under Warm Springs Agency	4,000.00					
Support and civilization Indians Umatilla Agency	3,000.00					
Indian school, Salem, Oreg	129,000.00				15,000.00	
Support and civilization of Indians of Grande Ronde and Siletz Agencies	4,000.00					
Maintenance and operation Modoc Point irrigation project		$4,740.00				
Purchase implements, etc., for Indians of Warm Springs Agency		100,000.00			100,000.00	
Pennsylvania.						
Indian school, Carlisle, Pa	152,000.00					
South Dakota.						
Indian schools:						
Flandreau	72,500.00				5,000.00	
Pierre	82,250.00				3,500.00	
Rapid City	53,500.00					
Support of Sioux of different tribes, South Dakota			307,000.00			
Support and maintenance, day and industrial schools			200,000.00			
Subsistence and civilization, Yankton Sioux	14,000.00					
Asylum, Canton, S. Dak	40,000.00				5,000.00	
Investigation, wagon road, Standing Rock Reservation	1,000.00				1,000.00	
Utah.						
Support and civilization, Confederated Bands of Utes			53,740.00			
Support and civilization, detached Indians in Utah	10,000.00					
Pay of physician, Shivwitz School	500.00				500.00	
Civilization and self-support, Confederated Bands of Utes				500,000.00	250,000.00	
Fulfilling treaties with Ute Indians			15,000.00		5,000.00	
Irrigation system, Uintah Reservation		10,000.00				
Protection of north abutment of Government bridge at Myton, Utah	200.00				200.00	
Washington.						
Support and civilization of D'Wamish and other allied tribes in Washington	7,000.00					
Support and civilization of Makahs	2,000.00					
Support and civilization of Quinal-elts and Quil-leh-utes	1,000.00					
Support and civilization of Indians at Yakima Agency	3,000.00					
Support and civilization of Indians at Colville and Puyallup Agencies	13,000.00					
Support of Spokanes in Washington			1,000.00			
Wapato irrigation project, storage water	200,000.00				200,000.00	
Irrigation system, Yakima Indians		15,000.00				
Indian school, Tacoma, Wash	50,000.00					

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Analysis of Indian appropriation bill, 1915—Continued.

	Gratuity.	Reimbursable.	Treaty.	Indian funds.	Increase over House.	Decrease under House.
Wisconsin.						
Indian school, Hayward, Wis	$42,670.00				$2,000.00	
Indian school, Toma, Wis	64,450.00				15,000.00	
Support of Chippewas of Lake Superior	7,000.00					
Support of Pottawatomie Indians, Wisconsin	7,000.00					
Investigation tribal rights of so-called St. Croix Chippewa Indians	25,000.00				25,000.00	
Sanitary conditions Bad River Reservation		$8,000.00				
Wyoming.						
Support of Shoshones in Wyoming	15,000.00					
Indian school, Shoshone Reservation	37,025.00					
Support of Shoshones in Wyoming			$6,000.00			
Repairs old abandoned military post, Fort Washakie	1,732.82					
Purchase of implements, etc., for Indians, Shoshone Reservation		50,000.00			50,000.00	
Irrigation system, Wind River Reservation, Wyo		25,000.00				
Roads and bridges, Shoshone Reservation, Wyo		25,000.00				
Reimbursement, Rev. N. S. Thomas	391.84				391.84	
Installation, bookkeeping system	10,000.00				10,000.00	
	8,100,197.76	1,825,820.00	861,590.65	$1,261,968.42	2,746,339.01	$342,500.00

House bill.

Gratuity	$6,874,437.82
Reimbursable	932,740.00
Treaty	850,560.00
Indian tribal funds	988,000.00
Total	9,645,737.82

SUMMARY.

Gratuity	$8,100,197.76
Reimbursable	1,825,820.00
Treaty	861,590.65
Indian funds	1,261,968.42
Total	12,049,576.83
Increase over House	2,746,339.01
Less decrease	342,500.00
	2,403,839.01
Allowed by House	9,645,737.82
Total	12,049,576.83

NOTE.—

Increase shown in figures	2,403,839.01
Less error, Santa Fe school item	4,000.00
Total net increase	2,398,839.01

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INDEX.

A.

Arizona and New Mexico: Page.
Support Papago Indian schools 26
Papagos, water supply for villages 28
Bridge, Colorado River, Topock 26
Irrigation Papago Indian lands 28
Navajo Reservation water supply 28
Camp Verde school lands 29
Colorado River Reservation, purchase of implements 29
Investigation San Carlos Indian irrigation system 30

B.

Board of Indian Commissioners 16
Bookkeeping system, installation of 62

C.

Commissioner Indian Affairs, salary increase 23
Chettimanchi Indians, Louisiana, relief of 24
Creek attorney, M. L. Mott, payment to 25
Colorado River, bridge across 26
Camp Verde school lands 29
Colorado River Reservation, purchase of implements 29
California:
Support of Indians 30
Lands for homeless Indians, purchase of 31
Indian school, Riverside 31
Yuma allotments, California-Arizona 26
Fort Bidwell Indian School 31
Relief May Stanley 31
Colgrove, M. D., reimbursement of 34

D.

Disease and distress, prevention of 8
Deceased Indians, determination of heirs of 23

E.

Expenses, general, of Indian Service 20
Encouraging industry 23

F.

Five Civilized Tribes:
Administration of affairs 52
Cherokee Orphan Training School 52
Creek equalization allotment 53
Sale of unallotted lands 51
Fulfilling treaties with Choctaws 54
Creek Tribal Council 54
Oil and gas inspectors 55
Fort Bidwell Indian school, California 31
Fort Hall, Idaho, support and civilization 33
Fort Lapwai, Idaho, land and buildings 32
Fort Hall, irrigation 33
Fort Hall, purchase of implements, support and civilization 33

Digitized by Google

G.

Page.
Goods, purchase of 15

H.

Heirs, determination of 23

I.

Irrigation, Indian reservations 7
Industrial work and care of timber 14
Indian Commissioners, Board of 16
Indian police 18
Inspectors, Indian 21
Industry, encouraging 23
Irrigation Papago Indian lands 28
Idaho:
Support and civilization, Fort Hall 33
Land and buildings, Fort Lapwai 32
Irrigation, Fort Hall 33
Purchase implements, Fort Hall 33
Irrigation system, Fort Hall, claims respecting 34

K.

Kansas:
Indian school, Lawrence, Kans 35
Kickapoo Indians in Oklahoma and Mexico 49

L.

Louisiana:
Chettimanchi Tribe of Indians, relief of 24
Lawrence, Kans., Indian school 35
Leases of lands on Indian reservations 26

M.

Mott, M. L., payment to 25
Michigan:
Indian school, Mount Pleasant 35
Pay of employees, Mackinac Agency 35
Payment to Joseph Bradley 35
Minnesota:
Indian school at Bena 36
High-school teachers, White Earth 36
Tribal funds 38
Civilization and support 37
Expenses of Washington delegation 36
Fond du Lac, payment of assessment 36
Chippewa hospitals 37
Montana:
Support, Flathead 39
Support, Fort Peck 39
Support, Blackfeet 39
Irrigation, Milk River 40
Irrigation, Flathead 40
Irrigation, Blackfeet 40
Irrigation, Fort Peck 40
School district 23 40
Relief of widow of Miller 41
Support and civilization, Northern Cheyenne 39
Cattle, Northern Cheyenne 41
Implements, purchase of, for Fort Peck, Blackfeet, and Flathead 42, 43

N.

Navajo water supply 28
Nez Perce Tribe, Idaho, pay of employees 34

Digitized by Google

Page.
Nebraska:
Indian school, Genoa 43
Support, Omaha and Winnebago 44
Nevada:
Indian school at Carson City 45
New Mexico:
Indian school, Albuquerque 45
Indian school, Santa Fe 46
Implements, purchase of, for Mescaleros 46
New York:
Expenses New York Agency 46
North Dakota:
Support, Turtle Mountain Indians 46
Indian school, Fort Totten 47
Indian school Wahpeton 47
Settlement, Turtle Mountain Indians 48
Headstone for Scarlet Crow 48
Oklahoma:
Support, Kickapoo Indians of Oklahoma 49
Chilocco Indian school 48
Pay of employees, Sac and Fox 34
Pay of employees, Senaca Agency 49
Purchase of furniture from Gabe Parker 49
Payment to Board of Domestic Missions 50
Purchase of Hargrove College 50
Relief of Mrs. Robert Leo Bowman 51
Payment to William Volz 51
Oil and gas inspectors 55

P.

Police, Indian, pay of 18
Papago Indian schools 26
Papagos, water supply for 28
Papagos, Indian irrigation system 28
Papagos, water supply, Indian villages 28

R.

Riverside, Cal., Indian school 31

S.

Survey and allotments, Indian reservations 6
Suppression of liquor traffic 8
Support, Indian schools 11
Schools, Indian, agency buildings at 13
Supplies, purchase of 15
Salary, increase of, Commissioner Indian Affairs 23
San Carlos investigation of irrigation 30
Stanley, May, relief of 31
Sac and Fox of the Missouri, tribal funds 44
South Dakota:
Indian school, Flandreau 56
Indian school, Pierre 56
Asylum at Canton, S. Dak 56
Investigation of wagon road at Standing Rock 57

U.

Utah:
Support and civilization Confederated Utes 57
Pay of physician at Shivwitz 57
Civilization and self-support Confederated Utes 57
Fulfilling treaties, Utes 57
Protection of bridge at Myton 57

Digitized by Google

W.

Page.
Warehouses, Indian 15
Washington:
Irrigation project, Yakima 58
Wisconsin:
Support and education, Hayward School 58
Support and education, Tomah 58
Sale of timber, Bad River Chippewas 59
St. Croix Chippewas, relief of 59
Wyoming:
Support, Shoshones 61
Implements, purchase of, for Shoshones 61
Reimbursement, N. S. Thomas 61

O

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 520.

RESERVATION OF CERTAIN LAND, DISTRICT OF ALASKA.

MAY 15, 1914.—Ordered to be printed.

Mr. PITTMAN, from the Committee on Territories, submitted the following

REPORT.

[To accompany S. 5526.]

The Committee on Territories, to which was referred S. 5526, reports the same back with the recommendation that it do pass.

By the act approved May 14, 1898, of which this bill is amendatory, it is provided that there should be reserved by the Government strips of land 80 rods in length between all homesteads and manufacturing sites located on navigable waters or on bays, harbors, or inlets. The object of the law was to prevent monopolization of harbors. While in some instances it served a good purpose, it has in many instances prevented the use and occupation of lands the reservation of which could conserve no good purpose, but which, on the contrary, has interfered with the development of the Territory and the progress of industry. The present bill does not restore such reservations to the public domain, but simply grants permission to the Secretary of the Interior to restore to the public domain such tracts or parts of tracts as he may deem to the best interest of the Government and of the public.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 524.

PUBLIC BUILDING, CRISFIELD, MD.

MAY 15, 1914.—Ordered to be printed.

Mr. SAULSBURY, from the Committee on Public Buildings and Grounds, submitted the following.

REPORT.

[To accompany S. 2985.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 2985) to provide for the purchase of a site and the erection of a Federal building at Crisfield, Md., having considered the same, report thereon with the recommendation that the bill pass without amendment.

The Government offices to be accommodated by the proposed building are the post office, Civil Service Commission, and the customs service, which are now occupying rented quarters at an annual cost of $985. The Auditor for the Post Office Department reports that the postal receipts for the last fiscal year were $11,800.77, and for the corresponding period 10 years previous, $4,606.42. The population is 3,468, according to the census for 1910. Within a radius of 4 miles there is a population of from ten to twelve thousand people, all served by the postal, banking, shipping, and other business facilities of Crisfield.

Crisfield is situated on deep, navigable water on the Little Annamessex River, an arm of Tangier Sound.

The town is only about 3 miles from the bold, open water of the Chesapeake Bay, and has a fine landlocked harbor, which is easily accessible in all weathers and at any tide. Crisfield is situated in the southwest corner of Somerset County, Md., and sprang into existence upon the completion of a railroad, now a branch of the Pennsylvania system, to the Little Annamessex River, about 50 years ago.

The town has a population of about 3,500 people and is in the midst of a thickly settled section, so that within a radius of 4 miles there is a population of from ten to twelve thousand people who are served by its postal, banking, shipping, and other business facilities.

The assessable basis of the town for municipal taxes is $1,500,000, reckoned on an appraisement of about 60 per cent of the market value of property assessed.

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The town has two banks, several churches, large shipyards, two ice factories, sail lofts, immense fish factories, coal and wood yards, a well-equipped hospital, and modern improvements of all kinds.

Crisfield is a port of entry, and a customhouse is maintained and rented by the Government to furnish quarters for the customhouse officials, the United States marshal and deputies, and the United States commissioner, who are stationed there.

Crisfield is the third largest port of entry in the number of vessels in the United States.

It is the largest terrapin-producing point in the world, more than 25,000 diamond-back terrapin being shipped annually. Large terrapin farms are located at Crisfield, where the terrapin are confined and fattened, preparatory to shipment. About $1,500,000 in oysters are handled through Crisfield annually, thus making the town one of the largest oyster producing and packing points in the world.

Over 2,000 people in and immediately about Crisfield habitually engage in the terrapin, oyster, crab, and other fisheries in the adjacent waters of Chesapeake Bay.

More than 100 business houses in Crisfield engage in packing and shipping the sea-food products of the place.

Crisfield produces more soft crabs for shipment than any other point in the United States, its annual distribution amounting to about 250,000 dozen.

A line of steamers run daily from Crisfield to Baltimore, and the town is within four hours' run of Philadelphia by rail over the lines of the Pennsylvania Railroad system.

In addition to leasing a customhouse building, the Government is also compelled to lease a post-office building.

A Federal building sufficient to accommodate the Government officials in Crisfield, and also in keeping with the importance of the place, is desirable and necessary.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 526.

FORT McHENRY MILITARY RESERVATION.

MAY 16, 1914.—Ordered to be printed.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 12806.]

The Committee on Military Affairs has had under consideration the bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith providing access to and from the site of the new immigration station heretofore set aside, and report the same to the Senate with the recommendation that it be amended in the following particulars, and as thus amended that it do pass:

On page 1, line 7, strike out the word "sections" and insert in lieu thereof the word "section."

On page 1, line 8, strike out the words "and four."

On page 1, line 8, after the word "hereof" and the comma, insert the following: "and that part now in use by the Department of Commerce for a light and fog-signal station under revocable license from the War Department, with the maintenance of the electric lines thereto."

On page 4, strike out lines 7 to 12, inclusive.

The purpose of the bill is to grant to the city of Baltimore the use of the military reservation for public-park purposes, except a strip of land providing for access to and from the immigration station and grounds maintained by the Treasury Department, and that part of the reservation now in use by the Department of Commerce for a light and fog signal station. The bill provides that the city of Baltimore shall agree to repair, maintain, and protect the reservation and the public property thereof during the continuance of its occupancy at its own expense, subject to rules and regulations prescribed by the Secretary of War, and further provides for the termination of permission to the city of Baltimore for its use at any time the Secretary of War

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may deem expedient. The provisions of the bill also give the Secretary of War power to retain for the use and benefit of the United States such improvements as may have been erected by the city on the property during its occupancy in case such permission is ever withdrawn, and for the placing of the grounds in satisfactory condition in the event of such withdrawal.

The property proposed to be used for such public-park purposes is not being used by the Government, and the buildings and grounds are rapidly going to decay owing to lack of care and preservation. It is believed by your committee that if the city of Baltimore is granted the use of this property it will at least be protected from the destruction bound to ensue from its disuse, and by the terms of the bill providing for its repair, maintenance, and protection it will be in fit condition for use by the Government whenever that becomes necessary.

The bill was referred to the Secretary of War for report thereon, and the language of section 4 did not accord with the views of the department. This matter was taken up with the War Department by the Secretary of Commerce, and after correspondence that section was eliminated and the language proposed by your committee in section 1 substituted by the Department of Commerce to meet the objections of the War Department.

The letter of the Acting Secretary of Commerce is as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, April 22, 1914.

MY DEAR SENATOR: Referring to the print of H. R. 12806, Sixty-third Congress, second session, which was referred to the Committee on Military Affairs of the Senate on March 3, 1914, relative to the use of Fort McHenry Military Reservation by the city of Baltimore, etc.

Attention is invited in this connection to House Document No. 760 of the present session of Congress, which contains a report from this department, addressed to the Speaker of the House of Representatives, in which, for reasons stated, certain amendments to the bill were recommended, which proposed amendments are incorporated as section 4 of the print of the bill of March 3, referred to above. It appears that the provisions of section 4 of the bill do not meet the entire concurrence of the War Department and the matter has therefore been taken up with that department with a view to determining such modifications in the interest of this department as might meet the concurrence of the Secretary of War. Accordingly, on April 14, 1914, this department advised the Secretary of War that it proposed, provided there was no objection on the part of the War Department, to recommend to Congress that the bill be amended as follows:

Page 1, line 8, strike out the words "and four"; after the word "hereof" insert the following: "and that part now in use by the Department of Commerce for a light and fog-signal station under revocable license from the War Department, with the maintenance of the electric lines thereto."

Page 4, strike out lines 7 to 12, inclusive.

By letter of April 15, 1914, the Assistant Secretary of War informed this department that the War Department would have no objection to the bill if amended as indicated above. A copy of the War Department letter, thus referred to, is inclosed for your information.

It is recommended that the bill be amended as indicated above, and also that the following amendment be made thereto:

Page 1, line 7, strike out the word "sections" and insert in lieu thereof the word "section."

Very truly, yours,

E. F. SWEET, *Acting Secretary.*

The CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS,
United States Senate, Washington, D. C.

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WAR DEPARTMENT,
Washington, April 15, 1914.

The honorable the SECRETARY OF COMMERCE,
Washington, D. C.

SIR: 1. Referring to your letter of April 14, in which an amendment to H. R. 12806, Sixty-third Congress, second session, is submitted as follows:

"Page 1, line 8, strike out the words 'and four'; after the word 'hereof' insert the following: 'and that part now in use by the Department of Commerce for a light and fog-signal station under revocable license from the War Department, with the maintenance of the electric lines thereto.'

"Page 4, strike out lines 7 to 12, inclusive"—

I have the honor to inform you that the War Department would have no objection to the bill if amended as indicated above.

Very respectfully,

HENRY BRECKINRIDGE,
Assistant Secretary of War.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 527.

COLLEGE DETAILS FROM THE ACTIVE LIST OF THE ARMY.

MAY 16, 1914.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 5211.]

The Committee on Military Affairs, which has had under consideration the bill (S. 5211) to amend section 1225, Revised Statutes, as amended by act approved September 26, 1888, etc., reports the same to the Senate favorably and recommends that it be passed amended as follows:

In line 8 strike out the semicolon and insert in lieu thereof a comma.

In line 11, after the word "thereof," insert a colon and the following proviso:

Provided, That the total number of officers of the United States Army that may be detailed on such duty shall not exceed one hundred and twenty-five.

This bill, as originally introduced and referred to your committee, proposes but one improvement in the existing law—that is, it provides that the President may "detail one or more officers of the Army or Navy, or both," for duty as instructors in military schools, colleges, etc.—whereas the existing law, by the use of the indefinite article, limits the detail to "*an* officer of the Army or Navy."

Your committee is of the opinion that more adequate military instruction should be provided for the larger and more important universities and colleges. The author of the pending measure states that the Ohio State University has in its military department about 1,400 students. Of course, it is not reasonable to expect an officer to give adequate military instruction to such a great number, no matter how efficient, satisfactory, and willing he may be; and it is stated that a very capable officer is detailed to that university. The official report of the War Department upon this measure states that in at least 12 universities and colleges the military departments are so large that it is impossible for one officer to give adequate instruction to all, experience teaching that approximately 600 stu-

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dents constitute the maximum number that can be efficiently instructed by one officer.

Your committee believes, however, that while providing more generously for the larger institutions the demands of the smaller and newer ones should not be overlooked. Many have been established since the existing law of November 3, 1893, was enacted, placing the limit of 100 upon the number of Army officers that might be detailed for such duty. Hence the proposed amendment is offered, which would increase that limit to 125 (instead of 150 as recommended by the War Department), not an unreasonable increase, considering the growth of such institutions both in numbers and in size during the 20 years which have passed since the last increase was made.

The number of Army officers originally authorized by Congress for details to colleges, in 1866, was 20. This was increased to 30 in 1876, to 50 in 1888, to 75 in 1891, and to 100 in 1893, as above. Thus it will be seen that the proposed increase of 25 is not out of keeping with the allowances for growth made by Congress in the past.

The remarks of the honorable Assistant Secretary of War, Mr. Breckinridge, upon the proposed legislation are contained in a letter of May 4, 1914, to the chairman of your committee, as follows:

WAR DEPARTMENT,
Washington, May 4, 1914.

DEAR SIR: In reply to your request of the 14th ultimo, to be furnished with any information relative to S. 5211, introduced by Senator Pomerene, to amend section 1225, Revised Statutes, so as to permit the detailing of more than one Army officer to any one educational institution, I beg to inform you that I am in accord with the purpose of the proposed law.

In at least 12 universities and colleges the number of students in the military departments is such that one officer can not give adequate instruction to all. This condition has been manifest for some time, inasmuch as experience has shown that approximately 600 students is the maximum that can be instructed efficiently by one officer.

The bill corrects the defects of the existing law, only in that it authorizes the detail of more than one officer to any one institution. It does not provide for increasing the total number of officers that may be placed on college duty. Section 1225, Revised Statutes, as amended November 3, 1893, limits the number of Army officers for such duty to 100. The increase in the number of educational institutions in the United States in the last two decades, as well as the establishment of some in the insular possessions, has caused considerable embarrassment in meeting the demands for Army officers for college duty.

A study at the War College has shown that to provide for the additional officers at the large institutions and to meet the demands of institutions that have been established since the existing law was passed, the total number of Army officers that should be authorized for college duty by section 1225, as amended, is 150.

It is recommended, therefore, that the following be added to the bill: "*Provided*, That the total number of officers of the Army of the United States that may be detailed on such duty shall not exceed one hundred and fifty."

Very truly, yours,

HENRY BRECKINRIDGE,
Assistant Secretary of War.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Military Committee, United States Senate.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 531.

CLAIMS OF UNITED STATES AGAINST THE STATE OF TENNESSEE.

MAY 20, 1914.—Ordered to be printed.

Mr. BRYAN, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. J. Res. 65.]

The Committee on Claims, to whom was referred Senate joint resolution 65, to amend Senate joint resolution 8, approved May 4, 1898, entitled "Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States," having considered the same, report thereon with a recommendation that the resolution do pass with the following amendments:

In line 1 of the title strike out the figure "8" and insert in lieu thereof the figures "34."

In line 1 of the title strike out the word "fourth" and insert in lieu thereof the word "twelfth."

Strike out line 2 of the preamble and insert in lieu thereof the following: "34, approved May twelfth, eighteen hundred and ninety-eight."

On page 2, line 5, of paragraph 2 of the preamble, strike out the figure "8" and insert in lieu thereof the figures "34."

On page 2, line 3 of the resolution strike out the figure "8" and insert in lieu thereof the figures "34."

On page 2, line 9, after the period, insert the following: "The said compromise or settlement is not to be effective or final until approved by Congress."

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 537.

PROTECTION OF THE WATER SUPPLY OF THE CITY OF SALT LAKE CITY, UTAH.

MAY 20, 1914.—Ordered to be printed.

Mr. SMOOT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 4741.]

The Committee on Public Lands, to which was referred the bill (S. 4741) for the protection of the water supply of the city of Salt Lake City, Utah, having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Pages 3 and 4, strike out all of section 2 and insert in lieu thereof the following:

SEC. 2. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture at the expense of and in cooperation with the city of Salt Lake City, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands to more fully accomplish such purposes; and to that end said city shall have the right, subject to approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved, for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes.

As thus amended the committee recommend that the bill do pass.

The above bill contemplates the withdrawal of several townships and subdivisions of townships in the county of Salt Lake, State of Utah, so as to embrace the watersheds in the vicinity of the city of Salt Lake City, and thus afford protection to the water supply of said city.

The city of Salt Lake City at present owns upward of 20,000 acres of land situate in the drainage basins of the creeks from which it gets its water. Here and there all over these lands are little springs and water holes which help to feed the streams from which the city draws its water. Most of these watershed lands were bought from the Union Pacific Railroad Co. The patent to the railroad company, as well as the law making the grant, provides that mineral lands are excepted.

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Under cover of mineral locations, squatters are seizing the favored spots in the city watersheds to get the springs thereon. The watersheds are not mineral land. No mine or quarry has been developed on any of them, and no mineral entry seems to be made in any place that does not contain a spring. However, a trace of mineral or limestone or anything else may serve as a pretext for a location to one who wants a spring.

The above bill has been drawn to prevent the contamination of the watersheds surrounding the city by locations made by squatters of a more or less speculative nature.

The land embraced in these watersheds is clearly of a nonmineral character, as set forth in the letter herewith of Mr. Edward R. Zalinski, mining engineer, Salt Lake City, Utah, and addressed to the mayor and commissioners of Salt Lake City.

SALT LAKE CITY, UTAH, *November 12, 1913.*

The MAYOR AND COMMISSIONERS,
Salt Lake City.

GENTLEMEN: In reply to your question as to the character of the lands within the watersheds of City Creek, Dry Creek, Red Butte Creek, Emigration Canyon Creek, and Parley's Creek—as included within the yellow lines on the watershed map of Salt Lake City, a copy of which was given me—I beg to say that in my opinion, based on familiarity with the ground for the past eight years and on a recent inspection of the same, the land has no value as mineral ground, except possibly in a broader sense, for limestone or other quarries, and gravel pits.

Regarding the geology, the country rocks are chiefly limestone and quartzite, with minor quantities of lime-shale, sandstone, and conglomerate. There is also a relatively small amount of extrusive or volcanic rock.

The lands in question are classified by the United States Geological Survey, and are shown on the geologic map of North America—Professional Paper 71, plate 1C. This is the latest geologic map of this section, published in 1912, being more up to date than the earlier map of the fortieth parallel survey.

As shown on the latest map, these lands consist of: Carboniferous, undivided (blue, with horizontal hatching on map, symbol No. 14); also some Upper Cretaceous (color green, symbol No. 7, on map); Tertiary effusives (color red, symbol 25); besides these there are the Quaternary gravel beds of the lake benches (light yellow or cream color on map, symbol No. 1).

As to the occurrence of mineral, the beds for the greater part are moderately tilted, with relatively little bending or crumpling of the strata such as is favorable for ore deposits. There is no important fissuring or faulting; the lands lie east of the Wasatch fault. There are no porphyry intrusions that the writer knows of. These usually accompany mineralization and are present in all of the mining camps of the State.

What might possibly be taken for porphyry is the extrusive or volcanic rock, mostly latite, an eruptive form of a monzonite magma. At Bingham this is later than the mineralization and is nowhere associated with the ore deposits.

This section is not in any recognized mineral district. There has been more or less prospecting, but in the last 50 years, since the fall of 1863, when mining was first started in Utah, no valuable mineral deposits have been discovered or developed.

To sum up, the land embraced within the watersheds is clearly nonmineral ground.

Yours, very truly,

EDWARD R. ZALINSKI.

With respect to this withdrawal the matter was submitted to the Department of the Interior, and in a letter from the Secretary thereof, filed herewith, it will be noted that special legislation is needed in order to accomplish the purpose sought by the city of Salt Lake City, Utah.

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DEPARTMENT OF THE INTERIOR,
Washington, March 4, 1914.

Hon. GEORGE SUTHERLAND,
United States Senate.

MY DEAR SENATOR: In response to your request of December 30, 1913, for a report relative to the watershed desired by Salt Lake City to be withdrawn for a water-supply site, I have the honor to submit herewith a copy of a letter from the Director of the Geological Survey describing the land and stating its geographical character. With the papers submitted by you is a diagram showing the lands desired to be withdrawn inclosed in yellow lines. The lands therein colored red are designated on said map as "city land," and I assume that the most of it has been purchased from the Union Pacific Railroad Co. The records of the General Land Office show the total area of the land to be about 67,388.45 acres, of which there has been patented to the Union Pacific Railroad Co., upon its selections, 25,120.27 acres; that preemption patents cover 1,280 acres; patented homestead entries cover 5,277.11 acres; patented soldiers' additional homestead entries, 348.75 acres; approved State selections, 3,850.98; school lands granted to the State in Secs. 2, 16, 32, and 36, 5,423.30 acres; patented desert land entries, 697.91 acres; patented timber culture entries, 40 acres; and patented mineral entries, 1,018.90, making the total area of patented lands 43,057.22 acres, leaving an unpatented area of 24,331.23 acres.

There is also a pending mineral entry for 440 acres and a pending desert-land entry for 280 acres, and 160 acres have been reserved for ranger station and administration site for the Forest Service. One State selection is pending for 40 acres, and a reservation for Fort Douglas contains 200 acres. Permission has also been granted by the Forest Service to the Knight Power Co. for use of 80 acres. Omitting the last-mentioned tract, said pending selections, entries, and reserved land aggregate 1,120 acres.

It is stated in the director's letter that a withdrawal would not affect bona fide claims now in existence, but would prevent entries and selections under the nonmineral laws and the filing of additional claims under the laws applied to nonmetalliferous minerals, "but would not fully protect the city." It appears that a good portion of the unpatented area is covered by the forest reserve, and the withdrawal thereof for the national forest will protect the city, as to such lands, for the present, but, as stated by said director, "it is probable that special legislation will be required to accomplish the purposes of the city authorities."

It is therefore evident that special legislation will be required to fully accomplish the purposes sought by the city. Upon the presentation of a bill for that purpose covering said land, steps will be taken looking to the withdrawal of the land by Executive order from all forms of disposal, pending such legislation.

Your inclosures are herewith returned.

Respectfully,

FRANKLIN K. LANE.

The bill has been submitted by the committee to the Department of Agriculture, because the legislation thereof affects the land within the Wasatch National Forest, and the report from the Secretary of the department approving the legislation is also hereto appended.

DEPARTMENT OF AGRICULTURE,
Washington, May 9, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

DEAR SIR: In further reply to your request for a report upon the bill (S. 4741) for the protection of the water supply of the city of Salt Lake City, Utah.

It is proposed in the bill that approximately 25,000 acres of Government land, nearly all within the Wasatch National Forest, be reserved from all forms of entry or appropriation and set aside as a municipal water-supply reserve for the use and benefit of the city of Salt Lake City. Section 2 of the bill proposes the manner in which the area shall be administered for the storage and conveyance of water for municipal purposes. Additional authority is given the

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Secretary of Agriculture in section 3 of the bill to prevent trespass, so as to preserve the purity of the water supply. All legal rights of individuals heretofore acquired on the area are protected in section 4.

I inclose a map of the area showing graphically the national forest lands, State lands, municipal lands, and lands in private ownership, together with approximately one section of unreserved, unappropriated public land. From information of record in the Forest Service it appears that titles to these lands within the exterior boundaries of the proposed municipal water-supply reservation are held as follows:

	Acres.
National forest land	[illegible]
Unappropriated Government land	1,475
State land	2,040
City land	23,855
Railroad and private land	16,527

On the national forest areas there are some lode claims initiated under the mining laws, and there are several placer locations of quarries of smelter, building, and cement stone. Of the lode mining claims none are being operated. The Emigration Stone Co. and the Portland Cement Co. of Utah are engaged in active operations at their quarries. The placer claims, covering the quarries of different kinds, amount to approximately 1,500 acres. Not more than a half dozen patents have been issued under the lode mining laws within this area. It is assumed, however, that the Land Office will inform your committee more particularly in regard to the quantities and areas of alienations on the proposed reservation.

The cover of the area consists very largely of scrub oak and maple brush. The northern slope of City Creek Canyon had, however, at one time a good stand of timber. A good reproduction of this has sprung up since the watershed was protected. The south slope of City Creek Canyon is almost entirely oak brush. The next canyon in importance is Emigration, about half of the watershed there being covered with sagebrush and the other half with oak and maple brush. Parleys Canyon has about the same proportion; probably a little larger percentage is of oak and maple brush than of sagebrush. Lambs Fork, the main right fork of Parleys Canyon, has considerable good timber; however, this is largely in private ownership. The character of this land is steep and mountainous, ranging in elevation from 4,500 to 8,000 feet. None of the area is valuable for agriculture. Its chief value is for timber production and for municipal water-supply protection.

This department has always recognized the fact that one of the highest uses to which national forest land could be put is in the protection of water supplies needed for municipal purposes. In several instances cooperation between municipalities and the Forest Service has been arranged. Forms of cooperative agreement are now in force with many of these municipalities, among which are the city of Colorado Springs, the town of Manitou, Colo.; Portland, Oreg.; and Tacoma, Wash. Some of these agreements are entered into under the general authority of this department to cooperate with the municipalities, and in other cases specific laws have been enacted by Congress to authorize agreements.

The wording of the bill now before me is quite similar to that used in the act establishing a reservation on the Pike National Forest for the city of Colorado Springs and the town of Manitou, approved February 27, 1913 (37 Stat., 685).

The plan outlined in the provisions of section 3 of that act, relating to the administration of the lands involved, has been found to be eminently practicable and satisfactory. It provides in part as follows:

"SEC. 3. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture at the expense of and in cooperation with the city of Colorado Springs * * *."

Since the purpose of the present act is identical with this earlier enactment for the benefit of the city of Colorado Springs and the town of Manitou, and conditions are in no wise dissimilar, I respectfully suggest that the wording of the present act be slightly amended in order to conform thereto. The following substitute is offered for section 2 of the bill S. 4741:

"That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture at the expense of and in cooperation with the city of Salt Lake City, for the purpose of storing,

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conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands to more fully accomplish such purposes, and to that end said city shall have the right, subject to approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved, for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes."

If this amendment is adopted this department has no objection to the passage of the bill.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 540.

COMMISSION TO RECOMMEND APPOINTMENT TO OFFICE.

MAY 22, 1914.—Ordered to be printed.

Mr. JOHNSON, from the Committee on Privileges and Elections, submitted the following

ADVERSE REPORT.

[To accompany S. 2679.]

The Committee on Privileges and Elections, to whom was referred the bill (S. 2679) providing for a commission to recommend appointments to office and for other purposes, hereby report the same with the recommendation that it do not pass.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 542.

LIGHT AND FOG-SIGNAL STATION ON MICHIGAN ISLAND, LAKE SUPERIOR.

MAY 22, 1914.—Ordered to be printed.

Mr. SMITH of Michigan, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 5406.]

The Committee on Commerce, to whom was referred the bill (S. 5406) to establish a light and fog-signal station on Michigan Island, Lake Superior, having considered the same, report it with an amendment, and as amended recommend its passage.

The bill thus amended has the approval of the Department of Commerce, as will appear by the annexed report, the amendment referred to therein having been incorporated in the bill as reported.

Amendment: In line 6 strike out "$125,000" and insert "$100,000."

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 1, 1914.

MY DEAR SENATOR: Receipt is acknowledged of letter, dated April 27, 1914, from the Committee on Commerce, inclosing, with request for suggestions thereon by this department, a copy of Senate bill 5406, Sixty-third Congress, second session, "To establish a light and fog-signal station on Michigan Island, Lake Superior."

The act of June 17, 1910 (36 Stat., 536), authorized the construction of a light and fog-signal station at Michigan and Gull Islands, Lake Superior, at a cost not to exceed $140,000, but no appropriation was ever made for that project. The estimates for the Lighthouse Service for the fiscal year 1914 (item No. 40, group 3, p. 549, Book of Estimates), contain an item for the establishment of a light and fog-signal station on Michigan Island, Lake Superior, Wis., at an estimated cost of $100,000, the work to be undertaken as resources permit, but no appropriation therefor was asked in those estimates, on account of the requirements of more important work elsewhere, nor has the project for placing the two aids on Michigan Island ever been authorized by Congress. By placing both the light and fog-signal station on Michigan Island instead of placing the light on one of the islands named and the fog-signal on the other, the estimated cost of the project may be reduced from $140,000 (the amount authorized by the act of June 17, 1910) to $100,000 (the estimated cost given in the Book of Estimates for 1914, above referred to).

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On account of the expense involved and the greater urgency of many other items, an estimate covering this work was not submitted by this department for the fiscal year 1915. The project is, however, considered to be a worthy one, and if Congress, considering needs of navigation in other localities, deems it proper to authorize this work, it is recommended that the bill be passed with the following suggested amendment:

Line 6, strike out "$125,000" and insert in lieu thereof "$100,000."

Very truly, yours,

E. F. SWEET, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate, Washington, D. C.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 546.

BRIDGE ACROSS MISSOURI RIVER AT KANSAS CITY.

MAY 23, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 14189.]

The Committee on Commerce, to whom was referred the bill (H. R. 14189), to authorize the construction of a bridge across the Missouri River near Kansas City, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter to the Committee on Interstate and Foreign Commerce of the House of Representatives, and printed in its report which is annexed hereto and made a part of this report.

[House Report No. 424, Sixty-third Congress, Second session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14189) to authorize the construction of a bridge across the Missouri River near Kansas City, having considered the same, report thereon with amendment, and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Strike out, page 1, lines 6 and 7, the words, "highway, trolley, and railroad."

[Second indorsement.]

WAR DEPARTMENT, *March 16, 1914.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that House bill 14189, Sixty-third Congress, second session, to authorize the construction of a bridge across the Missouri River near Kansas City, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

LINDLEY M. GARRISON,
Secretary of War

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 547.

BRIDGE ACROSS WHITE RIVER, BARRY COUNTY, MO.

MAY 23, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 5462.]

The Committee on Commerce, to whom was referred the bill (S. 5462) to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

[Second indorsement.]

WAR DEPARTMENT, *May 12, 1914.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 5462, Sixty-third Congress, second session, to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

HENRY BRECKINRIDGE,
Assistant Secretary of War.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 549.

PUBLIC BUILDING AT PENDLETON, OREG.

MAY 23, 1914.—Ordered to be printed.

Mr. LANE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany H. R. 13819.]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13819) to increase the limit of cost of Federal building at Pendleton, Oreg., having had the same under consideration, beg to report it to the Senate with the recommendation that the bill be passed.

The matter of the Federal building at Pendleton, Oreg., presents an emergency, both on account of the needs of the United States court and the post office. The act of May 30, 1908, limited the cost of the site and building of the post office to only $70,000, of which $8,000 had been expended for a site, leaving a balance of $62,000 available for the erection of the building. By the act of March 2, 1909, terms of the Federal court were established at Pendleton, Oreg. Since the establishment of a Federal court there the court has been compelled to depend upon the courtesy of the county court of Umatilla County for use of the courthouse building for court accommodation. This situation, together with the fact that there is no convenient place for the court officials and the records of the court, seems to present a condition which the Government should remedy as soon as possible.

In addition to the urgent needs of the Federal court, there is a real and pressing need for better postal facilities at Pendleton. The post office has been located in its present quarters for the past 27 years. Until the year 1902 there was plenty of room for the annual receipts were then only $10,500. In that year city delivery was initiated, which necessitated giving a space 14 feet by 10 feet for that service. It has never been possible to increase this space, on account of the cramped condition of the building. Since 1902 the number of persons the carriers served daily has increased from 800 to 6,500. Rural delivery service has also been started in this office

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and that requires a proper amount of space in order to handle the mails. The office at Pendleton, during the year ending December 31, 1913, showed a net gain for the Post Office Department above all expenditures of the sum of $11,385.06.

The committee begs to attach herewith a copy of report made by Mr. Cantrill, of the Committee on Public Buildings and Grounds of the House (Report No. 376), to accompany this bill when it was reported from the committee of the House. After carefully considering the facts connected with this matter, the committee begs to report the bill favorably and recommend that it be passed.

[House Report No. 376, Sixty-third Congress, second session.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 13819) to increase the limit of cost of the Federal building at Pendleton, Oreg., having had the same under consideration, beg leave to report it back to the House with the recommendation that the bill do pass.

The matter of the Federal building at Pendleton, Oreg., presents an emergency both on account of (1) the needs of the United States court and (2) the post office.

The act of May 30, 1908, limited the cost of the site and building for the post office only to $70,000, of which $8,000 has been expended for a site, leaving a balance of $62,000 available for the erection of the building.

By the act of March 2, 1909, terms of the Federal court were established at Pendleton, Oreg. Since such establishment of the Federal court there the said court has been compelled to depend upon the courtesy of the county court of Umatilla County for the use of its courthouse building for court accommodations. This situation, coupled with the fact that there is no convenient place for the court officials and the records of the court, presents a condition which ought to be remedied just as soon as possible.

In addition to the urgent needs of the Federal court there is a real and pressing need for better postal facilities at Pendleton.

The post office has been located in its present quarters for the past 27 years. Until the year 1902 there was plenty of room, for the annual receipts were then only $10,500. In that year city delivery was initiated, with three carriers, which necessitated giving a space 14 feet by 10 feet for that service. It has never been possible to increase this space, for the reason that there was none available to give that division of the service. However, in 1902 the carriers served about 800 people; now they serve about 6,500. The cramped quarters make it extremely difficult to give satisfactory service. In 1908 a rural delivery service was started in this office, and space was taken from the mailing room for this service, although at the time the mailing room was itself inadequate in the matter of space.

Ten years ago the work of this office was performed by two clerks; at the present time there are six, and during the holiday season additional help is required.

The receipts of the office are now running well over $24,000 per year, as compared with $10,500 ten years ago. The work of the office has increased in proportion, but the floor space has remained stationary; consequently it is increasingly difficult to give satisfactory service.

The money-order and registry divisions are combined and quartered in a space 16 feet by 9 feet. This space contains two roll-top desks, a filing cabinet, two office chairs, a table, and a large safe 4 by 4 by 5 feet in size. At one time the postmaster had a private office in this space, but it has been torn out to make more room. It is barely possible for two persons to move around in this division. A postal inspector recommended a short time since that the partition be moved 4 feet into the lobby in order to give this division more room.

The general-delivery division is combined with the stamp division and occupies a space 9 feet by 7 feet. This space has not been increased during the last 10 years, and is now about half large enough for the needs of those divisions, as the clerks employed there are hardly able to move from their places during the day.

The office at Pendleton during the year ending December 31, 1913, showed a net gain for the Post Office Department above all expenditures of the sum of $11,385.06.

Again, Pendleton is the logical headquarters for the post-office inspector in this district, but on account of lack of available space in this office he has been compelled to change to La Grande, Oreg., where there was room for him to keep his supplies

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and maintain an office. Also there are 12 railway-mail clerks running into Pendleton, and they are without a place to keep their supplies, etc.

The toilet facilities in this office are very bad. We have both men and women clerks here and only have one toilet, 4 by 5 feet, with no washbowl. There is no ladies' toilet in the office.

In the opinion of the Treasury Department $60,000 additional will suffice for the accommodation of the Federal court and post office, as is shown in the two letters from the Assistant Secretary of the Treasury hereinafter set forth:

FEBRUARY 10, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: In response to your request of the 29th ultimo for a report on Senate bill 3891, to increase the limit of cost for the erection and completion of the United States building at Pendleton, Oreg., in order to provide accommodations therein for the Federal courts and other Federal officials, I have the honor to submit the following:

The act of May 30, 1908, limits the cost of a site and building for the United States post office to only $70,000, of which $8,000 has been expended for a site, leaving a balance of $62,000 available for the erection of the building.

A two-story and basement structure of 4,400 square feet ground area will afford sufficient accommodations for the United States courts and officials thereof, as well as other branches of the public service. It is estimated that an increase of $60,000 will be sufficient for the erection of such a building, using fireproof construction throughout.

Respectfully,

B. R. NEWTON, *Assistant Secretary.*

TREASURY DEPARTMENT,
Washington, February 12, 1914.

Hon. N. J. SINNOTT,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have the honor to inclose herewith a copy of a report of February 10 on Senate bill 3891, which provides for an increase in the limit of cost of the Federal building at Pendleton, Oreg.

As you were advised in department letter of December 10, 1913, the Attorney General was requested to consider the estimate of space required for the United States court, and in a recent letter he states that 2,683 square feet will be sufficient, as against 8,218 square feet reported necessary by the Department of Justice on November 11, 1913.

It therefore appears that the building as designed will afford sufficient accommodation for the court, as well as other branches desiring space therein, and that an increase of $60,000 in the present limit will be sufficient for a fireproof building.

Very truly, yours,

B. R. NEWTON, *Assistant Secretary.*

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 551.

PENSIONS TO WIDOWS AND HELPLESS CHILDREN OF OFFICERS AND ENLISTED MEN, WAR WITH SPAIN.

MAY 23, 1914.—Ordered to be printed.

Mr. SHIVELY, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 13044.]

The Committee on Pensions, to whom was referred the bill (H. R. 13044) to pension widows and minor and helpless children of officers and enlisted men who served during the War with Spain or the Philippine Insurrection, having had the same under consideration, herewith submit certain amendments and recommend that the bill when so amended do pass. The proposed amendments are as follows:

On page 1, line 7, strike out the words "or in China."

On same page strike out all of line 9 after the word "inclusive," and all of line 10 up to and including the word "furloughs."

After section 1, on page 2, add a new section, to be numbered 2, as follows:

SEC. 2. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late Civil War and who has been honorably discharged therefrom has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll from the date of the filing of her application therefor under this act at the rate of $12 per month during her widowhood: *Provided*, That said widow shall have married said soldier or sailor prior to the passage and approval of this act; and the benefits of this section shall include those widows whose husbands, if living, would have a pensionable status under the joint resolutions of February fifteenth, eighteen hundred and ninety-five, July first, nineteen hundred and two, and June twenty-eighth, nineteen hundred and six.

On page 3, line 1, after the word "Sec.," strike out the numeral "2" and insert in lieu thereof the numeral "3."

As bearing on section 1 of the bill we quote from the House report as follows:

1. The total number who served in the United States Army and Navy during said warfares approximates 434,000, which is about 18 per cent of the number who served in the War between the States. The monthly allowance fixed by this measure is the

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same that is allowed by statute to the widows and orphans of veterans of other wars and Indian campaigns. Existing law grants this allowance to the widows and orphans of men who served in other wars, whether the beneficiary be rich or poor. The provision contained in the present amended bill narrows the proposed beneficiaries to a far smaller class. The number of widows and orphans to be benefited by the proposed measure can not be definitely ascertained. Inquiry among the camps of the United Spanish War Veterans would indicate that there are about 4,000 widows of men who served in the Spanish War and the Philippine insurrection. What percentage of these come within the purview of the bill—that is, have no means of support other than their daily labor, etc.—can only be conjectured.

2. At present the destitute widows and their dependents are cared for in the main by the United Spanish War Veterans. It is inequitable to ask the men who offered their lives to their country in war service to make this additional financial sacrifice when the burden should be carried by the mass of our population which did not serve with the colors.

3. It is 15 years since the Spanish War, and this is the first request for legislation ever made by the organization of United Spanish War Veterans. The unselfishness of the request commends itself, for these veterans ask absolutely nothing for themselves, but only provision for the helpless widow and orphan.

4. Under present law the widows of the veterans of these warfares have pensionable status if they can show that their husbands' deaths were directly caused by disabilities incurred in the service. This limitation has, however, been removed by statute with reference to the widows of veterans of prior wars because of the difficulty of furnishing proof that the death was traceable to antecedent disability incurred in war service. When the veteran seeks a pension for himself he knows, and probably can trace, his comrades in arms in order to furnish the required proof. When the widow asks a pension for herself she is left helpless and invariably has no knowledge of the identity and whereabouts of the men who served with the deceased veteran. In practice it has been found that it is rarely practicable for her to gather the proofs.

5. The amended measure merely continues the well-recognized statutory policy of our Government in dealing with the veteran soldier and sailor and their dependents.

6. Of the 434,000 who served in these warfares about one-fourth were in the regular service and from seventy-five to one hundred thousand were assigned to duty in the Philippine Islands. In these warfares there were 826 battles and skirmishes, in 515 of which men were killed or wounded. The whole mortality of the campaigns was 12,000 lives. For the first time in the history of our country the American soldier and sailor served in the Tropics and the Orient under climatic and hygienic conditions unusual to him. They received no bounty or substitute money, and were not drafted for service. Not to provide for the dependents of this latest type of our patriotic citizenship while lavishly making provisions for the dependents of those who served in all the other wars of the Republic, indicts the Government on a charge of unjust discrimination.

Section 2 of the bill as proposed to be amended removes the limitation in the present law under the act of June 27, 1890, by which in order that the widow should be entitled to a pension it must appear that her marriage with the soldier took place prior to that date.

On the question of the estimated expense involved in section 1, and also in the proposed section 2, we append a communication from the Department of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 21, 1914.

Hon. BENJAMIN F. SHIVELY,
Chairman Committee on Pensions,
United States Senate.

MY DEAR SENATOR: I have your letter of the 19th instant to the Commissioner of Pensions inclosing a copy of bill H. R. 13044 with amendments as proposed by your committee, and asking an estimate of its cost, by sections, if enacted into law with such amendments.

Section 1 of the bill in the form presented proposes a pension of $12 per month to widows and minor and helpless children of officers and enlisted men who served during the War with Spain or the Philippine insurrection between April 21, 1898, and July 4, 1902, with $2 per month additional pension on account of minor and helpless children, under conditions of service and dependence the same as provided in section 3 of the act of June 27, 1890 (31 Stat. L., 170), i. e., 90 days' honorable service and the widow

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to be without means of support other than her daily labor and an actual net income not exceeding $250 per year.

It is presumed that should this section become a law its language would receive the same interpretation as to widows' dependence that was finally given the act of June 27, 1890, as amended, whereunder continuance of the conditions of dependence prescribed by the law after allowance of the claim was held not essential to continuance of title to the pension. Any such interpretation might, if so desired, be effectually obviated by the insertion after the word "widowhood," on page 2, line 10, of some such words as the following: "and while she shall continue to be without other than such means of support."

The last estimate given on this provision, to Hon. William Richardson, chairman of the House Committee on Pensions, under date of February 13 last, fixes the annual cost, on a basis of 15,000 claims, as approximately $2,500,000, with a promise of increase from year to year for a number of years. This was merely a repetition of the figures given in an estimate upon a similar provision in H. R. 17470 to Hon. S. W. Smith under date of April 16, 1912; 15,000 claims was, however, somewhat in excess of the maximum number of claims as ascertained with the factors then used, and it is believed that no addition to that number should now be made in consequence of the period since elapsed.

The changes made by striking out the words "or in China," page 1, line 7, and the words "service to be computed from date of enlistment to date of discharge, including all furloughs," page 1, lines 9 and 10, are not considered of such consequence as to materially affect general results.

Section 2 of the bill as embodying the material amendment favored by your committee proposes in effect the removal of the bar of marriage subsequent to June 27, 1890, in the case of widows of soldiers and sailors of the Civil War otherwise entitled to pension under existing law, or rather the moving forward of such bar from that date to the date on which the bill shall have become a law.

In an estimate furnished Senator McCumber in February, 1910, upon bill S. 6058, to give title to Civil War widows married to the soldier or sailor at least three years prior to his death, the number to be benefited was placed at between 20,000 and 25,000. In an estimate given him under date of November 25, 1911, on bill S. 234 in the same terms, the number to be benefited was given as 30,000, with an amount of $4,320,000, to be added to the annual expenditure on account of pensions; and under date of January 17, 1913, he was advised on the basis of another estimate then made upon the last noted bill that its enactment into law would give title to some 32,000 widows and cause an increase in the value of the pension roll of $4,608,000 per annum.

The bills so estimated upon are less liberal in terms than is the amendatory provision your committee now proposes, and assuming the approximate correctness of such estimates it is believed that the number to be benefited, should such amendatory provision become a law, would be not less than 35,000, and this number added to the roll at the rate provided would involve an additional expenditure on account of pensions of about $5,000,000 per annum. The total annual cost of the bill, should it become a law in the terms presented as acceptable to your committee, would therefore be, according to this estimate, about $7,500,000.

Cordially, yours,

LEWIS C. LAYLIN,
Assistant Secretary.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 552.

IMMIGRATION STATION AT BALTIMORE, MD.

MAY 26, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5570.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5570) to increase the appropriation for the erection of an immigration station at Baltimore, Md.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-nine of the public building act approved March fourth, nineteen hundred and thirteen, providing for an immigration station at Baltimore, Maryland, is hereby amended so as to increase the limit of cost from $280,000 to $600,000—

having considered the same, report thereon with the recommendation that it do pass, with the following amendment:

On line 7 strike out the figures "$600,000," and insert in lieu thereof the figures "$550,000."

The Committee on Public Buildings and Grounds of the House of Representatives held several hearings on the subject and also made a trip of personal investigation to Baltimore, and it was conclusively shown that the amount recommended is not in excess of what will be actually needed to construct an immigration station at Baltimore of the size and character required to handle the immigration business of that port.

The committee gives below a complete statement of the facilities and urgent need of this immigration station, as contained in the report of the Committee on Public Buildings and Grounds of the House of Representatives on a similar bill (H. R. 11625), introduced in the House of Representatives.

[Report of House committee.]

The present facilities are totally inadequate, a reproach to the Government, and offer no basis for comparison. As a result, during 1913 the contagious hospital connected with the present station treated 294 cases of measles, of which number there were 47 deaths, or a mortality of 16 per cent. This mortality rate was double that in the whole hospital. During the same period, a comparison of the expenditures

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with the income of the port shows that the former was approximately only 21 per cent of the amount of money collected by the Federal Government at the port from immigration.

A comparative study of the immigration tables for the 13 years from 1901 to 1913, inclusive, of Baltimore, Boston, Philadelphia, New Orleans, Galveston, and San Francisco places Baltimore third in point of aliens admitted in that list. Last year 33,596 aliens came through the port, and upon the basis of present figures it is estimated by the resident commissioner of immigration of the port that the number will increase to approximately 45,000 this year.

The present immigration headquarters are located upon the pier of the Baltimore & Ohio Railroad Co., which pier can not be used by other roads without the consent of that company. The proposed station will be absolutely independent, not under the control of any one company, but equally accessible to all through lighterage, and over the tracks of the municipal railway, part of which is already under construction.

The Supervising Architect of the Treasury, after careful personal study of the situation, recommends the amount originally requested in the bill and states that with that amount available a creditable station can be erected. A proposal of the buildings needed and an itemized statement of their cost is submitted by him, as follows:

Baltimore (Md.) immigrant station, estimate of proposed buildings and piers.

1. Receiving building	$275,000
27,000 square feet ground area, 1-story.	
8,400 square feet ground area, 2-story.	
3,000 square feet ground area, 3-story.	
2. Hospital building	110,000
5,300 square feet ground area, 3-story.	
3. Administration building	50,000
4,000 square feet ground area, 2-story.	
4. Power house, with stack 150 feet high	40,000
2,100 square feet ground area, 2-story.	
5. Steel and concrete pier	50,000
50 feet by 200 feet.	
6. Industry railway	2,500
7. Wood sidewalk shelter	4,250
150 feet long.	
8. Approach work and conduits	25,000
Cement driveway and sidewalks, granite and cement curbs, and seeding grass plats.	
9. Dredging and incidentals	10,000
10. Site	13,250
11. Limit for right of way	20,000
Total	600,000

All buildings are brick faced, stone trim, and of fireproof construction. No basement for any building. The power house and receiving buildings and hospital on wood piles.

The committee approves the plan suggested, but believes that hospital accommodations sufficient to meet all requirements can be constructed for less than the amount named by the Supervising Architect of the Treasury Department; that through the reduction of that amount and other items $550,000 can be made to meet the situation. It therefore favorably recommends the bill with the amendment above set forth.

TREASURY DEPARTMENT,
Washington, March 19, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives of the United States.

SIR: In response to your request of even date, I beg to submit the following report on H. R. 11625, Sixty-third Congress, second session, introduced by Representative Linthicum, and calling for an increase in the limit of cost for an immigration station at Baltimore, Md., from $280,000 to $600,000.

The original authorization was for a site and building, in the act of June 25, 1910, at a limit of cost of $130,000. Under this authorization a site was acquired several blocks away from the steamship piers. Because of the evident inconvenience of its

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location, the exchange of this site or its sale and the acquisition of a new site was authorized in the act of July 20, 1912. No action was taken under this legislation, and the act of March 4, 1913, increased the limit to $280,000; authorized the use of a part of Fort McHenry Reservation as a site; authorized the acquisition of an outlet from the said site to the city streets; and, further, authorized the sale of the site previously acquired, the proceeds to be turned into the Treasury as a miscellaneous receipt.

When the original authorization was made, it was the intention to erect on the site acquired several blocks away from the steamship piers merely a building which would accommodate the detention work and the administration work of the immigration station, to provide no hospital facilities, and to provide no accommodations for the examination work.

At the time the public building act approved March 4, 1913, was under consideration the Office of the Supervising Architect was requested to make an estimate for the accommodation of the Immigration Service in Baltimore on a portion of the Fort McHenry Reservation. It was assumed at the time, although the assumption proved to be an error, that the examination work would remain at the pier, as at present, and that there would be erected on the Fort McHenry Reservation a building or buildings which would provide for the detention work and the administration work, with the addition of somewhat limited facilities for taking care of the sick, but did not contemplate the erection of a hospital. Upon taking up this project in the Office of the Supervising Architect, it became evident that the scheme of procedure must be changed if an adequate station is to be erected. The Office of the Supervising Architect consulted with the resident commissioner in Baltimore and obtained the necessary data for a station which was to provide accommodations for the receiving and registration of immigrants; their detention as might be found necessary over night; a complete hospital for the care of the sick; a building to house the administrative work, to provide the necessary hearing rooms and to accommodate the great mass of files necessarily incident to immigration work; as well as a power house, together with a steel and concrete pier, approaches, dredging, etc. This plan was prepared, as stated, after consultation with the resident commissioner in Baltimore and has the approval of the Commissioner of Immigration.

An estimate prepared by the Supervising Architect indicates that the scheme now felt to be desirable would require a further increase in the limit of cost to $600,000. Inasmuch as this is an increase in the original limit, it necessarily includes the cost of the original site: deducting that and other items which are necessary incident to the construction, but are not buildings, and deducting also the limit for the right of way, leaves the balance of $475,000 available for the construction of the receiving building, the hospital building, the administration building, and the power house.

In accordance with your request, the Supervising Architect was instructed to appear before your committee on Friday, January 23, 1914, and to explain in detail the necessity for the increase in the limit of cost as called for in H. R. 11625, Sixty-third Congress, second session. The detailed statements of the Supervising Architect will be found in hearing No. 6 of the proceedings of your committee, and it is recommended that the increase in the limit of cost receive your favorable attention.

Respectfully,

WM. G. MCADOO, *Secretary.*

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 23, 1914.

HON. FRANK CLARK, M. C.,
Chairman Committee on Public Buildings and Grounds,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have your letter of March 18 requesting a report indicating my views upon the proposition of making adequate provision for the work of the Immigration Service at Baltimore, Md., reference being had to the bill H. R. 11625, providing for an increase in the limit of cost from $280,000 to $600,000.

Under the terms of the original authorization the details of construction are committed to the Supervising Architect of the Treasury Department, and it is observed from the committee report submitted on March 10, 1914 (No. 363), that figures are given showing in detail the cost of the proposed station.

This department is greatly concerned in this project and I trust that no further time will be lost in making adequate provision for the proper care of aliens arriving at that port. The present conditions are so thoroughly unsatisfactory from every point of view that relief should by all means be provided without unnecessary delay.

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An exceptional condition in the Baltimore situation arises from the fact that hospital facilities for immigrants are not locally available and it would be a serious mistake, in my opinion, to proceed with the erection of a station which did not include reasonably complete facilities of that character. Under the layout set forth in the architect's report, the needs in that particular are fully recognized and it is assumed that the construction of the hospital has necessitated additions to other items, such as the power plant, pipe tunnels, etc.

Having in mind the responsibilities of the Government in this matter and being aware of the pressing necessity for immigration facilities that will be above reproach, I trust that the bill, H. R. 11625, as originally introduced, will receive favorable consideration in the immediate future.

Respectfully,

W. B. WILSON, *Secretary*.

The table below reports the number of aliens admitted a ports indicated during fiscal year ending June 30, as shown:

	Baltimore.	Boston.	Philadelphia.	New Orleans.	Galveston.	San Francisco.
1901	17,216	25,616	13,236	.....	.....	.....
1902	39,679	39,465	17,175	.....	.....	.....
1903	55,802	62,838	27,760	.....	.....	.....
1904	55,940	60,278	19,467	.....	.....	.....
1905	62,314	65,107	23,824	.....	.....	.....
1906	54,064	62,229	23,186	.....	.....	.....
1907	66,910	70,164	30,501	.....	.....	.....
1908	31,489	41,363	16,458	6,270	8,529	3,608
1909	20,512	47,895	15,083	2,929	3,575	7,376
1910	31,245	62,075	39,671	3,604	4,996	8,620
1911	23,459	54,288	46,294	3,712	5,355	7,836
1912	22,481	48,790	47,355	3,419	5,069	8,126
1913	33,596	66,389	63,737	3,387	5,749	8,935
Total	513,707	706,497	383,747	23,321	33,273	44,501

Attention is called to the statement on page 15 of hearing No. 13 of this committee, wherein it appears from a letter from the resident commissioner of immigration at Baltimore that—

"Prior to the passage of the act providing that a lump sum should be allotted for the carrying on of the Immigration Service, the receipts at the various ports were carried to their credit in the Treasury of the United States; when those moneys were covered into the General Treasury by the act (Mar. 4, 1909) above referred to, Baltimore had at that time to its credit approximately $500,000 surplus."

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 553.

MINE RESCUE STATION AT McALESTER, OKLA.

MAY 26, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany H. R. 3988.]

The Committee on Pubic Buildings and Grounds, to which was referred the bill (H. R. 3988) to provide for the purchase of a building and lot for mine rescue station at McAlester, Okla., having considered the same, beg to report thereon with the recommendation that the bill pass.

The committee attaches herewith a copy of the report made by Mr. Clark of Florida, from the Committee on Public Buildings and Grounds of the House, setting forth the matter in detail. The bill provides that the Government should pay $5,500 indebtedness on the property desired to be purchased and take over the title to same. The miners and operators in the vicinity by subscription erected the building and purchased the property, but they are unable to complete the payment. It is sought by this legislation to have the Government pay the balance due, and the property will be transferred to the Government. As the building and site is valued at more than $10,000, together with the fact that the station is badly needed at McAlester, the committee thinks it would be wise of the Government to make this expenditure. Having considered these facts very carefully, the committee begs to report the bill favorably.

[House Report No. 244, Sixty-third Congress, second session.]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 3988) to provide for the purchase of a building and lot for a mine rescue station at McAlester, Okla., having considered the same, beg to report thereon with the recommendation that the bill pass.

The following extract of a statement by Dr. Holmes, Director of the Bureau of Mines, made before this committee on February 4, will explain the situation:

"In 1910, when the mine rescue work was inaugurated, the miners and operators of McAlester, Okla., endeavored to contribute toward the erection of a mine rescue station, to be presented to the Government. The site named in the bill is one of the

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places selected for the establishment of a mine rescue station. They contributed in all about $6,500, and then they went ahead to complete the building, intending to raise the remainder of the money necessary; but, on account of labor troubles, etc., they have not been as prosperous as they hoped to be, and consequently have not been able to complete the building. They have an outstanding debt on this building of $5,500. We are at present paying $40 a month rent for the building. It has never been turned over to the Government, and they did not intend to turn it over to the Government until they had completed their payments.

"Now, what they ask to be done is that the Government shall pay the indebtedness on the building, about $5,500, and take over the entire property at that price. The cost of the building, completed, is a little more than $10,000, including the furnishing, etc. It is a good, substantial brick building. It is suitable for our purposes, being 40 by 60 feet on a lot 60 by 165."

The bill provides that the Government shall pay the $5,500 indebtedness on the property and take over the title to same. The miners and operators who contributed for its erection are unable to complete the payment, and it is likely that unless the Government makes the payment the property will be lost. As the building and site is valued at more than $10,000, together with the fact that the station is badly needed at McAlester, it would seem to be wisdom on the part of the Government to take over the property at once.

Having considered these facts very carefully, the committee begs to report the bill favorably.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 554.

PUBLIC BUILDING AT HARRISBURG, PA.

MAY 26, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany H. R. 14242.]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 14242) to increase the appropriation for the erection and completion of the United States Federal Building at Harrisburg, Pa., having carefully considered the same, report thereon with the recommendation that it be passed.

The committee attaches herewith a copy of the report made by Mr. Cantrill, of the Committee on Public Buildings and Grounds of the House of Representatives (Report No. 456), which fully sets forth the necessity for the increase desired. The committee calls attention to this report and recommends that the bill be passed.

[House Report No. 456, Sixty-third Congress, second session.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 14242) to increase the appropriation for the erection and completion of the United States Federal building at Harrisburg, Pa.—

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provision in section two of the public-building act of June twenty-fifth, nineteen hundred and ten, for the enlargement, extension, remodeling, or improvement of the post office and courthouse at Harrisburg, Pennsylvania, be, and the same is hereby, so amended as to increase by $75,000 the limit of cost fixed by this act for said work; and the Secretary of the Treasury is authorized to enter into contracts for the completion of said enlargement, extension, remodeling, and improvement of said building within said limit of cost as hereby extended—"

having considered the same, report thereon with the recommendation that it do pass.

In reply to a request to the Treasury Department for a report on H. R. 14242, we received the following report:

TREASURY DEPARTMENT,
Washington, March 14, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: In compliance with your request of the 12th instant for a report on H. R. 14242, which provides for increasing the limit of cost of the United States Federal building at Harrisburg, Pa., by $75,000, I have the honor to advise you as follows:

The act of June 25, 1910, authorized the extension of the present building at a limit of cost of $125,000, and a contract has been awarded for the work.

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Information has recently been received by the department which indicates that after the completion of the extension now under contract, the building will still be in an overcrowded condition and the necessity for providing for a larger extension than that contemplated is urgent.

The old building is in general a three-story and basement structure, and the extension under contract extends through one story only. By carrying a portion of the extension on each side of same up to the height of three stories, thus forming wings with an ample light shaft between, sufficient room will be provided for post-office purposes and for other Government offices for several years to come.

It is estimated that the cost of constructing such wings, including the necessary changes in the present building, will amount to the sum of $100,000.

Respectfully,

W. G. McAdoo, *Secretary.*

Upon further investigation your committee is convinced that the present building, with the addition now under contract, will be entirely inadequate to house the various branches of the Government activities. The present building is a three-story structure 53 by 118 feet. Its erection was started in 1877 and completed and occupied in 1882. On June 25, 1910, an act was passed authorizing an extension to the present building at a cost not to exceed $125,000.

The Post Office Department occupies the entire first floor.

The second floor is occupied by the Railway Mail Service, deputy internal-revenue collector, and Weather Bureau.

The third floor is occupied by the Federal court.

It was intended by the Treasury Department in remodeling this building to extend the working floor of the post office 46 feet, the entire length of the building (118 feet), and add a wing on each end extending through the second and third stories, but found the amount authorized did not permit the wings to be included in the contract, but did provide for foundations, walls, and steelwork of sufficient strength to carry these wings. The report of the Treasury Department, under date of March 19, 1914, on this point says:

"When the tentative sketches for the remodeling of this building were taken up they showed, in addition to the extension to the post-office working space in the first story, two new wings extending through the second and third stories, intended to increase the general office space in the building. The money available for the changes, however, was not sufficient to do all of the proposed work, as is evidenced by the fact that the bids received left only about a $13,000 surplus, which would not have been sufficient to construct the two wings. The probable need for these wings has been anticipated by making the foundations, the walls, and the steelwork of sufficient strength to carry the wings when constructed.

"Charles S. Hamlin,
"*Assistant Secretary.*"

The present contract provides only for the addition of the first story (all of which will be used by the post office) and remodeling of the interior of the old building. When the building is remodeled as is now proposed it will be inadequate for present requirements. The First Assistant Postmaster General, in his report under date of March 14, 1914, says:

"When the remodeling of the Government-owned quarters has been completed the workroom will contain approximately 7,740 square feet of floor space, while the present actual requirement in that respect is 10,000 square feet. This requirement is based on the assignment of 100 square feet of floor space to each employee and the equipment provided for his use.

"From the foregoing it is apparent that even when the extension authorized by existing legislation is occupied the space available for the use of the post office will fall far short of the actual demands. It would seem, therefore, that the present is an opportune time to secure an appropriation to further extend the post-office building in order that the space necessary to the proper conduct of the office may be available at the earliest possible date.

"Daniel C. Roper,
"*First Assistant Postmaster General.*"

The postmaster at Harrisburg, under date of March 19, 1914, reports that:

"The Harrisburg office has been designated by the Post Office Department as a subagency for the distribution of post cards and stamped envelopes, this city being a central distribution point for a large portion of the State and adjoining States north and south. The policy of the stamp division has been to ship to the various subagencies several carloads of envelopes and post cards at one time. I infer that this

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is a matter of economy, because they have urged us to provide a much larger space than we had in the old building. In addition to this, I am expected to carry a very large assortment of envelopes and a large quantity of cards at all times, because we frequently sell 1,000,000 cards and several hundred thousand envelopes to one customer. We could utilize at least 8,000 square feet for this purpose. In addition to this there should be not less than 2,000 square feet of floor space for the storage of supplies. By supplies in this sense I mean the supplies used by the post office and custodian. Within the last few weeks the Fourth Assistant Postmaster General informed me that he expects to make this office 'a distributing point and collective office for postal supplies.' You will thus see that the department seems to be convinced that this is a good distributing point.

"FRANK C. SITES, *Postmaster*."

In view of these requirements, and the limited space provided after the completion of the building, the postmaster has requested that the present plans be changed and that his executive offices be removed from the first to the second floor, which is impossible unless the wings as originally contemplated are provided.

The post-office receipts for the fiscal year 1913	$374,244.25
The post-office receipts for the calendar year 1913	399,242.42

POSTAL SAVINGS BUSINESS.

The postal savings business for the year 1913 was $18,017 certificates issued; $13,185 certificates paid; $1,747.10 stamps sold; $1,573 cards exchanged.

Money-order business for the year 1913:

Domestic money orders issued, 25,512	$270,964.51
Fees	1,804.23
International money orders issued, 2,444	65,644.39
Fees	932.65
Stations issued, 22,139	141,909.46
Fees	1,256.30
Total received for money orders	482,511.54
Deposits received from other postmasters	804,413.21
	1,286,924.75
Money orders paid, domestic, 89,486	647,683.49
Money orders paid, international, 308	9,801.10
Total orders paid, 89,794	657,484.59

Second and third floor.—If the wings are built as originally contemplated by the Treasury Department, it is proposed that the Weather Bureau, now occupying 600 square feet of floor space on the second floor, be removed to the third floor. The Weather Bureau at present has four employees and occupies about 600 square feet of floor space. On a recent visit to Harrisburg, the department recommended that 900 square feet be assigned to the bureau, as well as a vault for the proper storage of their valuable statistics.

The deputy collector also now occupies quarters on the second floor, which it is proposed to remove to the third floor. His present quarters are inadequate. The receipts of his office for 1913 were $550,728.39. The number of employees at present is four; the average value of stamps on hand is $125,000, and the vault is entirely too small. The income tax will greatly add to the business of this office, and will require one or two additional clerks and additionsl floor space.

The second floor now provides entirely inadequate quarters for the Railway Mail Service. There are two divisions located at Harrisburg, viz, the second and fifteenth; there are 3 chief clerks employing about 20 clerks; there are about 700 mail clerks reporting for supplies and instructions, each of whom averages 15 visits yearly. Between 1,500 and 1,600 examinations are made annually. Nearly 400 clerks are paid their annual salaries semimonthly by the postmaster, and nearly all of them receive their per diem pay once a month from the Harrisburg office. None of the chief clerks has a private office where he might call a clerk or anyone else for private conversation. There is no room where examinations can be conducted privately, but all examinations must be held where clerks are at work. All supplies must be stored in the workrooms, no special place being provided or available. If the wings are built as contemplated, proper and sufficient quarters can be provided for this

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service of the department, and in addition the executive offices of the postmaster can then be located on this floor, as per his request, and if necessary it will be entirely practical to remove the register, money-order, and postal-savings departments of the post office to the second floor.

Third floor.—On this floor are located the Federal court room, grand-jury and petit-jury room, and judges' chambers, but the court should be supplied with an additional petit-jury room, as the judges' chambers are now frequently used by petit juries. If these additional wings are built as contemplated, there will be sufficient space provided for another petit-jury room, as well as ample quarters on the third floor for the Weather Bureau and the offices of the internal-revenue collector, as indicated.

In view of the fact that the Federal building at Harrisburg is now being remodeled, H. R. 14242 comes within the rule adopted by this committee as an "emergency." Your committee therefore approves, and recommends the building of the two wings to extend through the second and third stories, which was originally contemplated, and begs leave to report H. R. 14242 with the unanimous recommendation that it do pass.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 555.

PUBLIC BUILDING AT MANDAN, N. DAK.

MAY 26, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany H. R. 11254.]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11254) increasing the limit of cost of public building at Mandan, N. Dak., having considered the same, beg to report thereon with the recommendation that the bill pass as it came from the House.

The act of June 25, 1910, authorized the expenditure of $55,000 for a building and site at this place. Of this amount, $12,000 was expended for the site, leaving $43,000 available for the building. Bids were asked for, and the lowest received was some $10,000 in excess of the amount available. Eleven thousand dollars is asked in this bill in order that the building might be constructed in accord ance with the original plans.

The committee begs to attach herewith a copy of the report of Mr. Gudger, of the Committee on Public Buildings and Grounds of the House (Rept. No. 373), which accompanied this bill when it was reported to the House of Representatives, which fully sets forth the attitude of the department on the matter.

Having considered these facts carefully, the committee begs to report the bill favorably.

[House Report No. 373, Sixty-third Congress, second session.]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11254) increasing the limit of cost of the public building at Mandan, N. Dak., having considered the same, beg to report thereon, with the recommendation that the bill pass, with the following committee amendment:

In line 7 strike out the figures "$60,000" and insert in lieu thereof the figures "$11,000."

The act of June 25, 1910, authorized the expenditure of $55,000 for a building and site at this place. Of this amount, $12,000 was expended for the site, leaving $43,000 available for the building. Bids were asked for and the lowest received was some $10,000 in excess of the amount available. Eleven thousand dollars is asked for in

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this bill in order that the building might be constructed in accordance with the original plans.

This measure comes within the emergency class, as can be seen by rule 2 of this committee, defining emergencies:

"Second. Where the purchase of a site and the construction of a building or the construction of a building on a site already acquired has been authorized, and it is found that it is impossible to purchase the site and construct the building, or construct the building, as the case may be, then the committee will consider a bill to increase the limit of cost."

The following letter to Mr. Norton from the Secretary of the Treasury will further explain the situation.

TREASURY DEPARTMENT,
Washington, March 9, 1914.

Hon. P. D. NORTON,
House of Representatives, Washington, D. C.

MY DEAR SIR: Complying with the request in your letter of the 23d ultimo to the Supervising Architect, relative to the cost of the proposed Federal building at Mandan, N. Dak., I have the honor to advise you as follows:

The limit authorized in the act of June 25, 1910, for both site and building was $55,000, of which $12,000 was paid for a site, leaving a balance of $43,000 available for the construction of the building. From this amount should be deducted sufficient funds to provide for such equipment as lock boxes, lamp standards, etc., and also to provide for contingencies, reducing the amount for which it would be safe to award a contract to approximately $39,000.

The work was placed on the market in August, 1913, and but one bid was obtained, in amount $48,995, which was rejected on account of its being in excess of the amount available. The work was again placed on the market in October and the same bidder again submitted the only bid received, in amount $49,400, on the same basis as before, with an alternate, for cheapening the construction, in the sum of $44,400, and his bid was rejected on November 26, 1913.

It is estimated that the building as designed can be built, provided the limit of cost be increased in the amount of $20,000, but it would not provide for all branches of the service, nor is the area sufficient to provide for reasonable future growth.

Very truly, yours,

W. G. MCADOO,
Secretary.

Having considered these facts carefully, the committee begs to report the bill favorably.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 556.

POST-OFFICE SITE AT MEMPHIS, TENN.

MAY 26, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany H. R. 11747.]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11747) to increase the limit of cost for the purchase of a site and the construction of a public building at Memphis, Tenn., having considered the same, beg to report thereon with the recommendation that the bill pass.

The act of March 4, 1913, authorized the purchase of a site in Memphis for a branch post office, at a limit of cost of $40,000. However, this amount has been found to be insufficient, as shown by the following extract from a letter of the Treasury Department bearing on this matter:

> Proposals have been received for 24 sites, and the prices asked for the 6 which have been recommended as desirable range from $56,000 to $181,000, as follows:
> No. 1, $56,000; No. 2, $73,000; No. 3, $181,000; No. 4, $70,000; No. 5, $70,000; No. 6, $90,000.
> It appears a suitable site can be acquired within the increased limit fixed by your bill of January 16, 1914.

An additional $60,000 is asked for in order that a suitable site may be provided. In accordance with the provisions of the bill, any surplus left over after the purchase of a site will be applied on the construction of a building.

Having carefully considered these facts, the committee begs to report the bill favorably without amendment.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 557.

IMPORTATION OF CONVICT-MADE GOODS.

MAY 26, 1914.—Ordered to be printed.

Mr. REED, from the Committee on Manufactures, submitted the following

REPORT.

[To accompany H. R. 14330.]

The Committee on Manufactures, to which was referred the bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor, having considered the same, submit the following report:

The committee after full hearings beg leave to report this bill without amendment and recommend its passage.

The bill in question is substantially identical with S. 4161, which was introduced in the Senate January 22, 1914, and reported by this committee on March 2, 1914. The report embodying the views of the committee with reference to the bill last referred to are in all respects applicable to the present bill and are hereby adopted as the views of the committee with reference thereto.

[Senate Report 306, part 2, Sixty-third Congress, second session.]

This bill (S. 4161) was introduced in the Senate January 22, 1914, referred to this committee, amendments proposed in accordance with the foregoing, and its passage recommended on March 2, 1914.

The bill, embodying the amendments proposed herein, was presented in the House of Representatives March 7, 1914, referred to the Committee on Labor, before which committee hearings were held, the committee consulting the Treasury Department through Assistant Secretary Charles S. Hamlin. After adopting several suggestions made by the Assistant Secretary, the bill was reported favorably, discussed in the House on March 11 and again on March 18, and was passed by that body without a dissenting vote on March 25. (See Congressional Record.) That bill (H. R. 14330) is now before the Senate, and with the exception of some relatively unimportant changes is identical with this bill as proposed to be amended by this committee.

This committee, in its formal report, did not at first discuss the merits of the proposed legislation, because the Senate had before it the recommendation of the Treasury Department, made in response to an inquiry of the Senate and there apparently existed no necessity for further explanation, as the committee could not conceive of any opposition to the bill except such as might naturally arise from importers of foreign convict-made wares and merchandise. For the purpose, however, of further

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presenting the provisions of this measure to the Senate, the committee desires to supplement its former formal report with a statement of the reasons impelling its recommendation.

The tariff law enacted in 1890 contained an expressed and unqualified prohibition against the importation of all goods, wares, and merchandise made in whole or in part by foreign convicts as follows:

"1. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision."

This same prohibition was reenacted again in 1894, 1897, 1909, and 1913, receiving the approval of five different Congresses and five different Presidents.

The principle of this prohibition has therefore been approved for a period of 24 years by both Democratic and Republican Presidents and Congresses, showing that it has never been a partisan issue and its justice recognized by all.

It may be presumed that Congress believed that this prohibition was effective and accomplished the plain purpose of its original intendment. Investigation, however, shows that since its enactment, 24 years ago, there has not been a single seizure, forfeiture, or penalty imposed for violation of this prohibitive provision. The law has been inoperative, ineffective, and unenforced by the Treasury Department, because it did not provide adequate and proper means for enforcement and afforded only limited authority or means of research and investigation.

The proposed law provides, in addition to the present regulations of the Treasury, a method of proceeding in any United States district court within which convict-made goods are found, thus adding new methods of investigation and detection and aiding the Treasury Department by the assistance of United States marshals, district attorneys, and district courts. Provision is made for fine and imprisonment for those persons who knowingly and fraudulently enter or attempt to enter foreign convict-made merchandise into our markets. The possibility of the infliction of a fine or imprisonment will alone prove more effective than any regulation under the present law.

The representatives of free labor and the American manufacturers are encouraged to file information in any district court of the United States, and thus is added the zealous scrutiny and active assistance of those persons directly affected by competition with the confined criminals of foreign penal institutions.

In response to Senate resolution No. 213, date of November 10, 1913, the Treasury Department in its reply of January 14, 1914, said in part:

"In response to the request for suggestion for the amendment of the statute in such manner as to make it adequate and effective, I would advise that, assuming the intent of Congress as above stated, the prohibition should be extended specifically to articles of all kinds, whether the product of the field, the quarry, or of manufacture, any part of which, or the materials entering into which, have been produced, made, treated, manipulated or manufactured at any stage, in whole or in part, by convict labor either in the United States or foreign countries."

Section 1 of this bill covers this suggestion of the Treasury Department by including the suggested language.

It has been shown that certain foreign manufacturers have part of the work of manufacture done by convict labor and the article completed by free labor. Although from 50 per cent to 75 per cent of the total labor cost may be performed by convicts, if the completed article is finished in a factory by free labor, under the interpretation placed upon the present law by the Treasury Department, the merchandise will be admitted.

The American manufacturer can not import to this country materials manipulated or produced by foreign convicts, but the foreign manufacturer may use materials manipulated or produced by convicts if he weaves the materials in cloth or some other merchandise and then imports.

There is no work performed by man that can not be as well or better done by a free man as by a confined criminal.

The foreign manufacturer has his choice of free or convict labor in the preparation of his materials; the American manufacturer has no such choice; he can not import the foreign materials without a violation of the law, and American convicts are not employed in this kind of work.

This exact case came before the Treasury Department, and it found that this kind of merchandise could not be excluded under the present law. The case in question related to the importation of cotton bagging, and although proof was offered to show that 85 per cent of the labor in preparing the materials was performed by convicts and affected the total cost of manufacture to that degree, the entrance of the imported

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goods could not be prohibited because the final weaving was done by free labor, although the work of weaving represented only about 15 per cent of the total labor cost.

There are 33 American manufacturers engaged in the manufacture of bagging and of pieced and rerolled bagging. There are also 10 American manufacturers engaged in working over second-hand bagging.

There are 61 foreign manufacturers engaged in the manufacture of bagging and similar fabrics employing free labor. There are two foreign establishments engaged in the manufacture of cotton bagging, in which convict-manipulated material is used.

Of the entire number, 106, there are but 2 of these manufacturers in the entire world who use the prison-manipulated materials, Messrs. Cleghorn & Co. (Ltd.), of Dundee, Scotland, and the Bootle Jute Co. (Ltd.), of Bootle, England.

Cotton bagging is on the free list, so that the American user of bagging can buy from any one of 104 American and foreign manufacturers, and the products of only 1 Scotch and 1 English mill would be excluded by this bill until they should substitute free labor for convict labor.

Shall 38 American manufacturers be compelled to compete and American free labor be forced to compete with the products of these companies which use convict-made material, or shall the convict work be admitted when the American manufacturers can neither buy it or make it?

It can readily be understood that these two foreign manufacturers who use convict-manipulated material will not favor a measure effectively prohibiting importation of their products for sale in our markets. Opposition to the passage of this amended law may well be expected from that source. Importers of these goods will fight the bill.

There is no article of trade or commerce made by foreign convicts that is not made by foreign free labor. There is no one article which is made exclusively by foreign convicts.

It has been stated that dyes which enter into the manufacture of many articles are made in large part of sulphur, and that the sulphur mines of Sicily are operated by convict labor, and that this sulphur is used in the manufacture of foreign-made dyes. This statement is without foundation. Louisiana produces 550,000, Texas 6,000, Japan 50,000, and Sicily 450,000 tons of sulphur annually, and convicts are not employed in its production in any of these countries.

The American contractor pays from 50 to 75 cents a day for convict labor. The foreign contractor pays from 5 to 25 cents a day for convict labor.

Such competition with free labor is ruinous. As an illustration: The prison contractor making boots and shoes working 500 American convicts 300 days a year. at 75 cents a day, would pay for labor $112,500. The manufacturer employing American free labor at $3 a day for identically the same work would pay $450,000. This gives the prison contractor the advantage in his labor cost of $337,500 annually; in addition he is usually furnished rooms, light, heat, and power by the State without cost.

The contrast is all the more striking when the price of American free labor is compared with foreign convict labor. This competition the legislatures of the various States are trying to prevent. But how much more necessary is effective national legislation, when it is known that America has, all told, less than 150,000 convicts, while foreign countries have more than 2,000,000 convicts; and also when it is known that American convicts manufacture only a few varieties of articles, not probably exceeding 25, while foreign convicts are employed in the manufacture of more than 100 different articles.

The Federal Government and State governments are gradually adopting what is known as the public works and use system.

The work of American convicts in some States is limited by law to certain prescribed articles; in other States convict manufactures are prohibited entirely; while in still other States the merchandise manufactured must be labeled "convict made."

Our National and State labor commissioners have told of the demoralizing effects of convict competition in this country, and State legislatures have dealt with the subject in an effort to remedy the evil. This has been done in response to the demand of both free labor and the manufacturers.

We are under some obligation to find employment for our own criminal wards, but this country should not be made the clearing house for the products of foreign prisons.

While the legislatures of our various States are attempting to protect free labor and the manufacturers from the ruinous competition of American convict-made merchandise, it becomes the express duty of the National Congress to afford the same or even greater protection against the competition of the criminal inmates of foreign prisons.

Free labor, the American business man, and common justice all demand that this be done.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 558.

DELEGATES TO THE INTERNATIONAL DENTAL CONGRESS.

MAY 27, 1914.—Ordered to be printed.

Mr. SAULSBURY, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. J. Res. 105.]

The Committee on Foreign Relations, to which was referred a joint resolution (S. J. Res. 105) authorizing the President of the United States to appoint delegates to the International Dental Congress, to be held in London, England, August 3 to 8, 1914, having considered the same, report the joint resolution to the Senate, with the recommendation that it pass with the following amendments:

Strike out all after the enacting clause and insert:

That the President be, and is hereby, authorized to accept an invitation extended by the Government of Great Britain to that of the United States to be represented by delegates in the Sixth International Dental Congress, to be held at London, August third to eighth, nineteen hundred and fourteen, and authorized to appoint fifteen delegates to such congress: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said congress.

Amend the title so as to read: "A joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress."

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 560.

SALE OF SURPLUS LANDS IN FLATHEAD INDIAN RESERVATION.

MAY 27, 1914.—Ordered to be printed.

Mr. ASHURST, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 647.]

The Committee on Indian Affairs, to which was referred the bill (S. 647) to amend an act entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stat. L., p.302), as amended by the act of March 3, 1909 (35 Stat. L., p. 796), reports the same favorably and recommends that it pass without amendment.

Submitted as a part of this report is the following letter from the Department of the Interior, recommending the proposed legislation:

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: I have the honor to refer to the letter of February 10, 1914, requesting a report on Senate bill 647.

This bill is the same as legislation which was suggested by the department in letters of April 26, 1912, to the chairmen of the Committees on Indian Affairs in the United States Senate and in the House of Representatives. The legislation then suggested was introduced as Senate bill 6624 and as House bill 23881, Sixty-second Congress, second session.

In letters of July 29, 1912, to the chairmen of the committees in both the Senate and the House the department urged the passage of this legislation and the matter was again presented to both committees by departmental letters of January 27, 1913.

The department would be pleased to see this legislation enacted.

Very truly, yours,

A. A. JONES, *First Assistant Secretary.*

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 561.

DISPOSAL OF CERTAIN LANDS IN FORT BERTHOLD INDIAN RESERVATION, N. DAK.

MAY 27, 1914.—Ordered to be printed.

Mr. GRONNA, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 4988.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4988) providing for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak., having had the same under consideration, recommend that the bill do pass, with the following amendments:

Page 2, line 5, after the word "contain," insert "to be held in trust for the Indians belonging to and having tribal rights on the Fort Berthold Indian Reservation."

Page 2, line 9, strike out the period after the word "entry" and insert in lieu thereof a comma, and add the following: "and if such land is shown not to be coal land a patent without reservation shall issue."

The act of June 1, 1910, providing for the disposal of lands in the Fort Berthold Reservation, excepted from disposal all lands found to contain coal or other minerals. This act (H. R. 4988) provides for the disposal of the surface of these lands. The coal contained in these lands is a low-grade lignite, and it is not likely that any considerable part of the land would be disposed of under the coal-land laws even if such disposal were authorized. The chief value of the lands at the present time is for agricultural purposes, and providing for the disposition of the surface will not only provide homes for settlers, but will also provide funds for the education, support, and civilization of the Indians on the Fort Berthold Reservation. The coal is reserved for disposal in the future in such manner as shall seem advisable, the coal deposits to be held in trust for the Indians and the proceeds from their disposal to be deposited in the Treasury for the benefit of the Indians. It is estimated that the area that will be affected by this legislation is between 115,000 and 125,000 acres.

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This measure has been submitted to and its passage has been recommended by the Interior Department.

There is attached hereto and made a part of this report a copy of a letter from the First Assistant Secretary of the Interior to the chairman of the Committee on Indian Affairs of the House of Representatives, and also a letter from the First Assistant Secretary to the chairman of the Senate Committee on Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Washington, February 27, 1914.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs, House of Representatives.

MY DEAR MR. STEPHENS: In response to your request of the 12th instant for report on H. R. 4988, I have the honor to advise you that the act of June 1, 1910 (36 Stat., 455), provided that certain nonmineral, agricultural, and grazing lands of the Fort Berthold Reservation, N. Dak., north and east of the Missouri River, remaining after allotments and selections by the State, be opened to entry under the homestead laws, at prices fixed by the commissioners appointed by the President for that purpose.

The act also provided that the land classified as coal within the territory mentioned should be withheld from disposition pending further action by Congress.

H. R. 4988 provides for the disposition of coal deposits in the lands classified as coal separate and apart from the surface of such lands, and also provides for the disposition of the surface. The coal in these lands is a lignite of inferior grade, and it is not likely that any considerable portion of the land will be disposed of at an early date under the coal-land laws, even though authority should be given therefor. I am of the opinion, therefore, that it is very desirable that there should be a separation of the surface and the subsurface deposits, as is proposed in the bill. In order that the Indians may realize funds from the sale of these lands it is necessary that some provision be made for the disposal of such areas for their agricultural values.

The bill, however, should be amended by substituting a comma for a period after the word "disposal," in line 14, page 2, and inserting thereafter the following:

"And the proceeds arising from the disposal of such coal deposits or from the leasing or working thereof shall be deposited in the Treasury of the United States and shall be applied in the same manner as the proceeds derived from the disposition of the lands embraced in the Fort Berthold Indian Reservation."

And after the word "thirty-six," in line 1 of page 4, there should be inserted, "under such rules and regulations as may be prescribed by the Secretary of the Interior."

For the reason that the lands classified as coal are now withdrawn from all forms of disposition, I strongly recommend that, with amendments suggested above, H. R. 4988 be enacted into law.

Respectfully,

A. A. JONES,
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, April 17, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: The department is in receipt of your letter of April 8, 1914, transmitting, for an expression of its views, a copy of H. R. 4988, Sixty-third Congress, second session, which passed the House April 6, 1914, providing for the disposition of the coal deposits in lands classified as coal within that part of the Fort Berthold Reservation, N. Dak., north and east of the Missouri River, separate and apart from the surface of such lands, and also providing for the disposition of the surface.

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This act embodies the suggestions made by the department in its report of February 27, 1914, to the chairman of the Committee on Indian Affairs, House of Representatives, on H. R. 4988, Sixty-third Congress, first session, and I recommend that the proposed legislation be enacted into law. The inclosures with your letter, which included a copy of the report of February 27, 1914, are returned herewith.

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 568.

PROTECTING LOCATORS OF OIL AND GAS LANDS.

MAY 29, 1914.—Ordered to be printed.

Mr. PITTMAN, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5673.]

The Committee on Public Lands, to which was referred the bill (S. 5673) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

Your committee after holding hearings on the subject matter of this bill and after careful consideration of the situation presented in the oil fields, mainly of California, and to a less degree elsewhere, by circumstances hereinafter recited in a quotation from a letter of the Secretary of the Interior are persuaded that adequate and timely provision should be made to remedy the evils in question, and that relief from an intolerable situation should be immediately afforded. That situation is described in the report of this committee on Senate bill 5434.

On this subject the Secretary of the Interior, in a letter to Chairman Ferris, of the Committee on the Public Lands of the House of Representatives, dated April 10, 1914, said, in regard to a bill essentially similar to the one here submitted:

> The amendment proposed is the addition of a section which will authorize the Secretary of the Interior to enter into agreements, under such conditions as he may prescribe, with parties who have presented or may present applications for patent for oil or gas land included in an order of withdrawal and upon which oil or gas has been discovered, is being produced, or upon which drilling operations shall be in actual progress at the date of the passage of the act, said agreements to relate to the disposition of the oil or gas produced from the lands, or the proceeds thereof, pending the final determination by the Secretary of the Interior of the validity of the offered applications for patents.
>
> The proposed legislation is peculiarly applicable to the California oil fields, where a large number of locations and applications are under investigation or involved in proceedings which challenge the validity of the locations or the regularity of the appli-

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cations presented. Many oil and gas wells are in actual operation upon these and adjacent lands, and by reason of the investigations of the department and certain suits instituted by the United States to enjoin parties from removing oil from the lands, the operators are unable to dispose of the oil or gas under existing laws pending adjudication of their claims. This is disadvantageous not only to the operators, but to the United States, because the failure to continuously operate the wells may result in the diminution or destruction of the oil or gas values through introduction of water into the wells or by reason of the draining of the oil and gas deposits from under the lands involved through wells sunk and in operation upon adjacent patented lands. The situation is one which demands immediate attention if the operators and the United States are to be saved from large and irreparable loss, and I earnestly recommend the enactment of the bill. At the same time I desire to point out that this bill gives temporary relief only, in that it permits of adjustments which will permit of the operation of oil and gas wells and take care of the proceeds pending the final adjudication of the claims by the department. It does not provide a method for disposing of the lands or the deposits after final adjudication of the cases if the claims of the applicants be finally denied. Relief for the latter situation may, however, be provided later.

I understand the present bill to authorize the Secretary of the Interior to enter into agreement with the record claimant to all or any part of a location, provided such record claimant has presented or shall present an application for patent for all or any portion of the location involved.

Your committee believes that the foregoing sufficiently demonstrates the need of the legislation hereby recommended and the propriety of the measure submitted; and accordingly respectfully and unanimously recommends the immediate passage of the bill.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 569.

KING THEOLOGICAL HALL.

MAY 29, 1914.—Ordered to be printed.

Mr. HOLLIS, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 5168.]

The Committee on the District of Columbia, to which was referred the bill (S. 5168) "For the relief of the King Theological Hall, and authorizing the conveyance of real estate to the Howard University," having considered it, report the same with the following amendments:

Strike out all after the enacting clause and insert:

That the following persons be, and they and their successors as trustees are declared to be, the corporation of the King Theological Hall, established by act of Congress approved January seventh, eighteen hundred and ninety-one, and the legal trustees thereof, namely: Alfred Harding, Randolph H. McKim, Richard P. Williams, George Williamson Smith, and William C. Rives. In such capacity said trustees, or their successors, are hereby authorized to convey all or any part of the real estate of said corporation, whether now owned or hereafter acquired.

Said trustees at any regular meeting may authorize any two of their number to execute a good and sufficient deed of conveyance of such real estate.

The trustees above named, or their successors, may, if they shall deem it necessary, increase their number from time to time and determine by by-law the number required to constitute a quorum: *Provided*, That the whole number of trustees shall not exceed fifteen.

Amend the title so as to read "For the relief of the King Theological Hall, and authorizing the conveyance of real estate to the Howard University and other grantees."

And as so amended recommend that the same do pass.

It appears that the King Theological Hall was established by a special act of Congress, approved January 7, 1891, for the purpose of educating colored pupils to become ministers of the Episcopal Church. This original act failed to constitute the trustees a corporation or to grant them authority to convey real estate.

The original trustees were clergymen, and the services of a lawyer to advise about the technical procedure of the corporation were lacking. The necessary steps to continue the corporation on a legal footing have been omitted, and enabling legislation is now necessary

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to place the corporation in proper condition for transacting its business.

The affairs of the King Theological Hall are now under the immediate charge of the Episcopal bishop, Right Rev. Alfred Harding, Randolph H. McKim, Esq., Richard P. Williams, Esq., Dr. George Williamson Smith, and Dr. William C. Rives, all of whom are prominent and responsible members of the Episcopal Church. There is no controversy among those who are interested in the King Theological Hall and intrusted with its de facto management. It is obviously proper to give these gentlemen a legal standing as the constituted trustees of the corporation.

The King Theological Hall owns a valuable tract of real estate in Washington adjoining the property of the Howard University, and the de facto trustees, above named, have made a bargain for the sale of this real estate to said Howard University. All parties interested are satisfied with the terms of this sale, but they have been advised by responsible attorneys that the trustees of the King Theological Hall can not give good title to the same without an enabling act by Congress.

The proponents of this bill, therefore, are compelled to ask for authority to make the desired conveyance of this land to Howard University, and they deem it wise to ask for the usual authority of a corporation to convey real estate, so that special application of this sort may be rendered unnecessary in the future. They also deem it desirable to have the number of their board increased, so as to give broader representation and to be given authority to determine by by-law the number required to constitute a quorum.

In order to cover these objects fully, the proponents of the bill have suggested certain amendments, and it has seemed wise to the committee to report the bill in a new draft as a substitute for the original bill (S. 5168). In substituted form the committee unanimously recommends that the bill pass.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 570.

MANDAN TOWN AND COUNTRY CLUB.

MAY 29, 1914.—Ordered to be printed.

Mr. WORKS (for Mr. MYERS), from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5254.]

The Committee on Public Lands, to which was referred the bill (S. 5254) authorizing the Secretary of the Interior in his discretion to sell and convey a certain tract of land to the Mandan Town and Country Club, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The legislation contemplated by this bill authorizes the Secretary of the Interior to transfer to the Mandan Town and Country Club a tract of land comprising 2¾ acres, more or less, at a price not to exceed $30 an acre, said land being a part of the Northern Great Plains Field Experiment Station, near Mandan.

The bill was referred to the Department of Agriculture and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF AGRICULTURE,
Washington, April 18, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

SIR: Replying to your request of the 14th instant for information concerning Senate bill No. 5254, will say that I am sending you herewith copies of a letter from Dr. W. A. Taylor, the Chief of the Bureau of Plant Industry, to the Assistant Secretary; letter from Mr. E. C. Chilcott, agriculturist in charge of dry-land agriculture investigations, to Mr. W. A. Peterson, farm superintendent of the Northern Great Plains Field Station at Mandan, N. Dak.; and letter written by Dr. B. T. Galloway, Assistant Secretary, to Messrs. L. N. Cary, W. A. Lanterman, and J. P. Hess, committee of the Mandan Town and Country Club. I believe that this correspondence contains the information you desire. I am also sending you some blue prints showing the Northern Great Plains Field Station, from which you can ascertain the exact location of the tract of land involved and its relation to the rest of the station.

From all of the evidence I am able to obtain I believe that the purposes of this bill are commendable. I would therefore recommend favorable action upon it.

Respectfully,

D. F. HOUSTON, *Secretary.*

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 571.

PERMITS ON OIL AND GAS LANDS WITHDRAWN FROM ENTRY.

MAY 29, 1914.—Ordered to be printed.

Mr. PITTMAN, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5434.]

The Committee on Public Lands, to which was referred the bill (S. 5434) to provide for the leasing of oil and gas lands withdrawn from entry, having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That upon relinquishment or surrender to the United States, within six months from the date of this act, by any locator or his successors in interest, of his or their claim to any unpatented oil or gas lands included in an order of withdrawal, upon which oil or gas has been discovered, was being produced, or upon which drilling operations were in actual progress October third, nineteen hundred and ten, or prior thereto, and were prosecuted until oil or gas was discovered, or have continued with reasonable diligence until the date of this act, and the claim to which land was initiated prior to July third, nineteen hundred and ten, the Secretary of the Interior may, in his discretion, grant, on such reasonable terms and conditions as he may prescribe, to such locator or his successors in interest a permit to occupy the said lands so relinquished, and to extract the oil or gas therefrom, not exceeding, however, the maximum area of 2,560 acres to any one person, association, or corporation, said permit to be conditioned upon the payment by the permittee of a royalty of not exceeding one-eighth of the oil or gas extracted or produced from said premises, or of the proceeds thereof, each permit to continue so long as oil or gas can be extracted from said land in paying quantities.

SEC. 2. That the Secretary of the Interior is hereby authorized to perform any and all acts, and make such rules and regulations, as he may deem necessary and proper for the purpose of carrying the provisions of this act into full force and effect, and all permits or assignments thereof shall be subject to such rules and regulations, and the failure of any permitee or of his successors to comply with the terms and conditions of the permit shall work a forfeiture of the same, to be declared by a court of competent jurisdiction.

Amend the title so as to read "Authorizing the Secretary of the Interior to grant permits to the occupants of certain unpatented lands on which oil or gas has been discovered, and authorizing the extraction of oil or gas therefrom."

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The situation which this proposed legislation is designed to remedy obtains chiefly in the State of California and, perhaps, to a limited extent in Wyoming and elsewhere. The testimony given at hearings held by your committee exhibits a condition of much hardship on the part of great numbers of persons, which, in the unanimous opinion of your committee, calls for speedy relief.

These persons are occupying and developing various tracts of land within the oil-producing areas, chiefly of California, to which claims were initiated under the provisions of law applicable to placer mineral locations. Vast sums of money, in the aggregate many millions of dollars, have been expended in the development of these claims, resulting in the discovery and operation of hundreds of valuable oil and gas wells.

Until recently these producers have been able to find a ready sale for their output; but the action of the Government not long since in making certain investigations, and in bringing suits involving the legality of some of the locations, has clouded the title of all these holdings.

The smaller operator must, of course, sell to purchasing and pipe-line companies, and these companies decline to buy for the alleged reason that a possible failure of title might oblige them to pay for the product a second time. The result is to bottle up these wells as effectually as could a court injunction or an insuperable physical obstruction. It has all the threatening portent of confiscation. Tremendous losses have been suffered by many already and the situation grows rapidly worse with delay. It should be borne in mind that the loss items embrace not alone the oil that not only is not sold, but is actually appropriated by others, but also the deterioration and ruin of wells from nonoperation and of machinery of every sort from disuse.

The situation finds added interest in the fact that all this destruction is visited on the relatively small operators, the men and the companies upon whose separate but aggregate efforts the general public must rely for any real and successful opposition to monopoly in a commodity already of almost incalculable importance to the country and of constantly growing necessity to our industry and commerce.

Meantime the Standard Oil Co., the Southern Pacific Railroad Co., and other owners of great pipe-line systems, have no difficulty in disposing of their oil. Burned in locomotives, or transported to innumerable and distant consumers, no question is raised as to its origin.

Moreover, these large owners of vast acreages of producing lands, whose holdings are scattered all over the oil territory and adjoin everywhere the claims of the small operator, are extracting the oil and the gas from strategically located wells, draining the adjacent claims of small holders, with an industry and dispatch that in a few years, in the absence of some such legislation as that proposed in this bill, must render the lands equally worthless to claimant and Government alike, however the title may be determined. Abundant evidence was adduced before your committee, not only that such territory can be drained in this way, but that the process is now actually going on at a rapid and accelerating speed, transferring the potential property of Government and claimant to the swollen receptacles of monopoly.

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The difficulties in adapting the mineral-land laws to the entry of oil and gas deposits on the public domain (due to the inapplicability of the requirement of technical "discovery" before location and to the insufficiency of the 20-acre areas for oil development when made by one person in a single claim), led to a very general neglect of certain provisions of the law. This everybody knew, and a custom grew up in accordance with which locations before "discovery" and by associated entrymen were regarded as valid bases of ownership and transfer. The ablest lawyers passed these titles and the Government itself often recognized them by granting patents on them, until some three years ago a change in policy invoked a stricter application of the provisions of the law.

The committee does not deem it necessary to discuss here at any length this question of titles, but believes that in any event men not themselves guilty of any fraud upon the Government who have gone upon the public lands and, in an effort to develop the resources of the country and add to their own independence and welfare, have taken all the chances of failure and have spent their time, their energy, and their money in exploring and developing the oil and gas resources of the Nation, do undoubtedly possess equities that may and should be given just consideration under the conditions here involved. This consideration is, we think, granted, and properly granted, to these people in this bill, and without prejudice to the substantial interests of the Government. Its provisions may be summarized and explained as follows:

1. The privilege is given to claimants to obtain a permit to extract oil and gas from their claims on certain terms.

2. This permit is issued at the discretion of the Secretary of the Interior, which fact insures that no applicant guilty of any fraud on the Government shall obtain a permit.

3. The total area covered by such permit is not to exceed 2,560 acres, which your committee believes to be a fair and prudent limitation under the conditions obtaining in the field.

4. The Government is to receive a royalty, in either the product or the proceeds of its sale, to be fixed by the Secretary, but not to exceed one-eighth of such product or proceeds. This limitation, amounting to a landlord's profit of 12½ per cent, together with the reversion of the land, seems to your committee, under all the circumstances, to be an adequate recompense to the Government. When it is realized that were these claims now in operation the Government's share of the product would amount to millions of barrels a year, more than enough to supply with fuel every vessel of our Navy were oil to be at once substituted for coal, it will be seen how great an interest the Government has in the speedy enactment of such legislation.

5. The applicant must relinquish or surrender to the United States his claim for a patent.

6. This must be done within six months from the date of the act, a period which (in view of the fact that many of the applicants will be companies with numerous small and scattered stockholders, and that others will be under the necessity of revising contracts made in contemplation of ownership instead of occupancy under royalty) your committee regards as fair to all parties.

7. The claim must have been initiated prior to July 3, 1910. This is the date of the presidential withdrawal under the authorizing act of Congress of June 25, 1910, and seems to your committee as a proper limit from which to measure, for present purposes, the good faith of the location. It is not to be assumed that action on this bill in anywise lends legislative assent to the validity of withdrawals made prior to June 25, 1910, the validity of such withdrawals being now in controversy before the courts of the United States. Lawyers differed and still differ as to the legality of the Executive withdrawal of September, 1909. A Federal court has denied that legality, although our highest tribunal has not yet affirmed that decision; and from the fact of the passage of the act of June 25, 1910, it is a reasonable inference that Congress was doubtful of the sufficiency of Executive action only. From these considerations your committee believes that it would not be fair for the legislative

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branch of the Government to put beyond the pale of good faith a location made between September 22, 1909, and July 3, 1910. No protection is extended by this bill, and your committee believes none should be extended to any applicants who initiated their claims after the final withdrawal of July 3, 1910, and in defiance thereof.

8. Upon the land to operate which a permit is applied for (1) oil or gas must have been discovered, (2) oil or gas must have been in process of production, or (3) drilling operations must have been in actual progress on October 3, 1910, or prior thereto; but if such operations had not resulted by October 3, 1910, in production or discovery, they must have continued to be prosecuted with reasonable diligence to the date of this act.

The date, October 3, 1910, three months after the authorized withdrawal order of July 3, 1910, has been chosen because it has appeared to your committee that it allows a reasonable interval within which a locator in good faith during the last days preceding the withdrawal might be justly held to have begun actual operations in the exploration and development of his claim.

A bill of substantially the same import as the one here under consideration has been favorably reported, with a recommendation of passage, by a unanimous vote of the Committee on the Public Lands of the House of Representatives, and the proposed legislation has the approval of the Secretary of the Interior.

For all of which reasons your committee respectfully reports the said bill with a unanimous and earnest recommendation that it do pass.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 572.

TO AMEND AN ACT PROVIDING FOR RAILROAD RIGHTS OF WAY THROUGH INDIAN RESERVATIONS.

MAY 29, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 3898.]

The Committee on Indian Affairs, to which was referred the bill (S. 3898) to amend an act entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1899, having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

On page 2, in line 12, after the word "road," strike out the period and quotation marks, insert a colon, and add the following:

Provided, That the Secretary of the Interior shall not be authorized under the provisions of this section to grant any land which may control any water power or which contains any mineral or oil: *And provided further*, That whenever any right of way granted under the provisions of this act shall pass through any gorge the said right of way shall not exceed fifty feet in width, and shall contain a provision in the grant authorizing and permitting the common use by other railroads of the track on said right of way passing through any such gorge, upon such terms and regulations as the Secretary of the Interior may provide.

As thus amended the committee recommend that the bill do pass.

The bill was referred to the Department of the Interior, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, May 23, 1914.

MY DEAR SENATOR: In further response to your letter dated April 18, 1914, inclosing one of the same date addressed to Hon. H. L. Myers by Mr. J. H. Carroll, representing the Great Northern Railway Co., regarding Senate bill 3898, which was the subject of my letter to you of April 4, 1914, I have the honor to inform you that after reviewing the situation carefully in the light of representations made by Mr. Carroll, I see no

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reason to doubt further that the proposed legislation is necessary, both for the public convenience and the economical operation of railroad lines. Therefore as the interests of the Indians seem to be amply protected by the provisions of the bill, I see no objection to its enactment into law.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 573.

ADDITIONAL LANDS FOR RAILROAD COMPANIES ON INDIAN RESERVATIONS.

MAY 29, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 3899.]

The Committee on Indian Affairs, to which was referred the bill (S. 3899) to provide for the acquiring of additional lands by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes, having had the same under consideration, beg leave to report it back to the Senate with the following amendments:

Page 2 strike out all of line 2.

Page 2, line 11, between the words "of" and "protection" insert the word "fire."

Page 2, line 25, after the word "any" insert the words "ballast or construction."

Page 3, line 3, between the words "any" and "Indian," insert the word "such."

Page 3, line 4, after the word "allotment," insert the words "as herein provided."

Page 3, line 5, after the word "or," insert the word "water."

Page 3, line 8, between the words "protection" and "from," strike out the words "of or," and after the word "from," in said line 8, insert the words "fire of."

Page 3, line 14, after the word "width," strike out the period and quotation mark, insert a colon, and add the following:

And provided further, That the Secretary of the Interior shall not be authorized under the foregoing provisions of this act to grant any land which may control any water power or which contains any mineral or oil.

As thus amended the committee recommend that the bill do pass.

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The bill was referred to the Department of the Interior, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, May 23, 1914.

MY DEAR SENATOR: In further response to your letter dated April 27, 1914, addressed to the Assistant Commissioner of Indian Affairs and acknowledged by him under date of May 2, returning for further consideration copy of S. 3899, which was the subject of my letter to you of April 4, 1914, I have the honor to advise you that upon inquiry of the Indian Office I find that there have been several fires in the last three or four years on the Blackfeet, Standing Rock, and Cheyenne River Reservations which were started by sparks emitted by the engines of the Great Northern Railway Co., the Chicago, Milwaukee & St. Paul Railway Co., and the Chicago, Milwaukee & Puget Sound Railway Co., and although adequate compensation for the damages caused thereby either has been or is in course of being collected on behalf of the Indians, it would undoubtedly have been much better for their interests could the companies named have been allowed to acquire an additional strip of land adjacent to their rights of way if the fires in question could have been averted thereby. However, as pointed out in detail in my letter of April 4, above mentioned, there are many changes in the present law in addition to allowing railroad companies to acquire additional lands for fire protection which will be accomplished if S. 3899 is enacted into law, and as to the necessity for such additional changes the department has no information, nor does Mr. Carroll's letter throw any light thereon. Therefore I am not prepared to make a positive recommendation upon the bill as a whole, but, as stated in my letter of April 4, inasmuch as the rights of the Indians to be affected are sufficiently protected by the provisions of the bill, there would seem to be no objection to the proposed legislation on their behalf.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 574

TERMS OF FEDERAL COURTS IN PENNSYLVANIA.

JUNE 1, 1914.—Ordered to be printed.

Mr. BRANDEGEE, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 15190.]

The Committee on the Judiciary, having had under consideration the bill (H. R. 15190) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913, being in relation to terms of the Federal courts for the State of Pennsylvania, beg to report the same without amendment and to recommend that the bill do pass.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 575.

TERMS OF FEDERAL COURT IN WEST VIRGINIA.

JUNE 1, 1914.—Ordered to be printed.

Mr. CHILTON, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 5574.)

The Committee on the Judiciary, having had under consideration the bill (S. 5574) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, relating to terms of Federal courts in West Virginia, beg to report the same without amendment and to recommend that the bill do pass.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 576.

ARMY AVIATION SERVICE.

JUNE 2, 1914.—Ordered to be printed.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 5304.]

The Committee on Military Affairs has had under consideration the bill (H. R. 5304) to increase the efficiency of the aviation service of the Army, and for other purposes, and report the same back to the Senate with the recommendation that it do pass with an amendment on page 2, lines 7 and 8, striking out the word "exclusively." The measure was reported unanimously by the House Committee on Military Affairs, and passed the House of Representatives under unanimous consent.

The committee does not consider it necessary to urge the undoubted importance of this matter at the present time, but feels that if this branch of the military service is to be made effective every opportunity ought to be given for its development.

The House committee conducted a rather extensive hearing on this subject during the present Congress, and made a careful analysis of the cost of this service, which is set forth in the House report, and part of that report is incorporated herein, and is as follows:

The subject of military aviation has engaged the attention of this committee and of the House of Representatives for the last three or four years. Last summer the bill H. R. 5304 was introduced, and the committee went into the subject very fully, having then had before it a large number of persons interested in the subject and obtaining from them views and opinions as well as statistics. The result of that investigation is this bill.

The War Department some time ago advised the passage of a bill which would have very largely increased the personnel of the Signal Corps. Your committee thought the plan embodied in this bill would be better and at the same time more economical. The committee has not sought to place an aviation service upon the same plane as that of the first-class war powers of Europe, but has tried to give to this service in this country a position which will enable it to keep abreast with the experiments which are being made in aviation, the committee feeling sure that the last word has not yet been said in that science and that it would be unwise and unnecessary for this country to expend the enormous sums which are being spent in other countries.

Your committee is thoroughly convinced that it would be most unwise to continue the parsimonious policy which the Government has pursued with regard to military aviation. It is expected that this committee will appropriate $300,000 in the pending Army bill as against $125,000 appropriated last year for the purchase and upkeep of aeroplanes, and it is thought that that amount, together with the personnel provided in this bill, will enable our Army to make the experiments necessary to a

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thorough knowledge of the art, and to train the number of men who may be needed for service in time of emergency.

The cost of this bill will be as follows: First year, $258,002; second and third years, $269,044.50; fourth year, $279,994.50; which latter figures will show the highest sum which this bill will cost the Government at any time in the future. See itemized statement.

EXHIBIT A.

Annual estimated cost of the personnel of the aviation section of the Signal Corps under H. R. 5304:

In preparing the following estimate the object has been to find the approximate maximum, rather than minimum, cost and it is thought that the totals given will be higher than what will actually occur when the bill goes into effect. For example, it is probable that a first lieutenant, junior aviator, may be on aviation duty but not actually flying. In this case he would receive the pay of captain, which would be less than his pay as a first lieutenant with 50 per cent added. All the master signal electricians are taken in their third enlistment period, and all other noncommissioned officers and enlisted men in their second enlistment period, and the 50 per cent increase allowed for aviation mechanicians has been applied to the highest, and not the lowest, grades.

There are at present 7 first and 14 second lieutenants on aviation duty, and it is fair to assume that the aviation branch will be composed of first and second lieutenants in the ratio of 1 to 2. This will make 20 first and 40 second lieutenants when the total number authorized has been detailed. The estimated cost is given for four years, as the total effect of the bill will not be felt until the fourth year. Inasmuch as the maximum limit of age for detail is 30 years, it is not possible that any officer on aviation duty can have more than two fogies. After the first year, judging from experience of the past, it is thought that of the 60 officers on duty 1 in 4 will be students, or 15 in all. Of these 15, 5 will be first lieutenants and 10 second lieutenants. There will be no military aviators until the fourth year. The assumed composition and cost of the aviation branch for the first year is as follows:

JUNIOR AVIATORS.

First lieutenants:	
2 with 2 fogies	$7,200.00
5 with 1 fogie	16,500.00
Second lieutenants:	
4 with 1 fogie	11,220.00
10 flat	25,500.00

STUDENTS.

First lieutenants:	
4 with 2 fogies	$12,000.00
9 with 1 fogie	24,750.00
Second lieutenants:	
12 with 1 fogie	28,050.00
14 flat	29,750.00
	154,970.00

ENLISTED.

4 master signal electricians, plus 50 per cent	$5,976.00
8 master signal electricians	7,968.00
8 first-class sergeants, plus 50 per cent	7,056.00
4 first-class sergeants	2,352.00
20 sergeants, plus 50 per cent	14,400.00
4 sergeants	1,920.00
20 corporals, plus 50 per cent	9,720.00
58 corporals	18,792.00
8 cooks	3,168.00
80 first-class privates	22,176.00
44 privates	9,504.00
	103,032.00

Commissioned personnel	154,970.00
Enlisted personnel	103,032.00
Total cost, first year	258,002.00

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Second and Third Years.

JUNIOR AVIATORS.

First lieutenants:	
7 with 2 fogies	$25,000.00
3 with 1 fogie	9,900.00
Second lieutenants:	
20 with 1 fogie	56,100.00
15 flat	38,250.00

STUDENTS.

First lieutenants:	
2 with 2 fogies	$6,000.00
3 with 1 fogy	8,250.00
Second lieutenants:	
5 with 1 fogy	11,687.50
5 flat	10,625.00
Total	166,012.50
Cost of enlisted personnel same as in first year	103,032.00
Total cost of second and third years	269,044.50

In the fourth year the cost will be increased $10,950, owing to the fact that in the fourth year it is assumed that the total number of 15 military aviators allowed by the bill will have been appointed.

Base Pay Per Annum Under the Bill.

Junior aviator:	
First lieutenant with 2 fogies	$3,600.00
First lieutenant with 1 fogy	3,300.00
First lieutenant, flat	3,000.00
Second lieutenant with 1 fogy	2,805.00
Second lieutenant, flat	2,550.00
Aviation students:	
First lieutenant with 2 fogies	3,000.00
First lieutenant with 1 fogy	2,750.00
First lieutenant, flat	2,500.00
Second lieutenant with 1 fogy	2,337.50
Second lieutenant, flat	2,125.00
Enlisted:	
Master signal electrician, third enlistment period, plus 50 per cent	$1,494.00
Master signal electrician, third enlistment period	996.00
First-class sergeant, second enlistment period, plus 50 per cent	882.00
First-class sergeant, second enlistment period	588.00
Sergeant, second enlistment period, plus 50 per cent	720.00
Sergeant, second enlistment period	480.00
Corporal, second enlistment period, plus 50 per cent	486.00
Corporal, second enlistment period	324.00
Cook, second enlistment period	396.00
First-class private, second enlistment period	252.00
Private, second enlistment period	216.00

RECAPITULATION.

Total cost of personnel, first year	$258,002.00
Total cost personnel, second and third years	269,044.50
Total cost fourth year	279,994.50

It may be interesting to know the amounts which are being annually spent by other countries for their military aviation service, and the figures given below will show what is being spent in other countries. These figures were given to the committee to the Chief of the Signal Corps. (See hearing on bill 5304, p. 267.)

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Exhibit B.

Estimate on the total expenditures of the different Governments for aeronautical work during five years approximates $100,000,000.

GOVERNMENT EXPENDITURES.

1. Germany	$28,000,000
2. France	22,000,000
3. Russia	12,000,000
4. Italy	8,000,000
5. Austria	5,000,000
6. England	3,000,000
7. Belgium	2,000,000
8. Japan	1,500,000
9. Chile	700,000
10. Bulgaria	600,000
11. Greece	600,000
12. Spain	550,000
13. Brazil	500,000
14. United States	435,000
15. Denmark	300,000
16. Sweden	250,000
17. China	225,000
18. Roumania	200,000
19. Holland	150,000
20. Servia	125,000
21. Norway	100,000
22. Turkey	90,000
23. Mexico	80,000
24. Argentina	75,000
25. Montenegro	40,000
26. Cuba	50,000
Total	86,570,000

PUBLIC SUBSCRIPTION.

1. Germany	$3,500,000
2. France	2,500,000
3. Italy	1,000,000
4. Russia	100,000
Total	7,100,000
Total public subscription	7,100,000
Total Government subscription	86,520,000
Grand total	93,620,000

APPROPRIATIONS FOR 1913, VARIOUS COUNTRIES.

France	$7,400,000	Japan	[1] $1,000,000
Germany	5,000,000	Italy	2,100,000
Russia	5,000,000	Mexico	400,000
England	3,000,000	United States	125,000

It is hardly necessary in a report of this character to dwell upon the importance of military aviation, nor to point out its importance in modern warfare. That military aviation is destined to play an important and conspicuous part in future wars is certain; and that this country would make a grave mistake if it wholly neglected this branch of the military service is equally certain.

[1] Approximate.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 577.

ELIMINATION OF PRIVATE HOLDINGS WITHIN THE GLACIER NATIONAL PARK.

JUNE 2, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5433.]

The Committee on Public Lands, to which was referred the bill (S. 5433) to amend an act entitled "An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes," approved May 11, 1910, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The necessity for the legislation contemplated by this bill is suggested in the Annual Report of the Secretary of the Interior for the fiscal year ended June 30, 1912, wherein he discusses the matter of securing title to private holdings in the various national parks. He said:

> It is of special and urgent importance that provision should also be made by Congress for the extinguishment of private holdings in the several parks. These holdings seriously interfere with the proper administration of the parks and impair their usefulness and beauty in many ways. They can be extinguished either by way of direct appropriation for their purchase or by authorizing their exchange for lands or timber within the particular parks or within the national forest reserve adjacent thereto. The public timber so exchanged can, in many cases, be confined to dead or matured timber which can be removed from the parks without injuriously affecting the scenic beauty thereof. If authority of this sort is vested in the Secretary of Agriculture and the Secretary of the Interior, as to the reserves of which they have jurisdiction, respectively, exchanges of park or forest lands or timber can be made for appropriate strips of private timbered lands along the public roads within the exterior limits of the parks or forest reserves, so as to protect the scenic beauty of these roads from impending destruction.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 578.

NATIONAL STAR-SPANGLED BANNER CENTENNIAL CELEBRATION.

JUNE 3, 1914.—Ordered to be printed.

Mr. O'GORMAN, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. J. Res. 148.)

The Committee on Foreign Relations, to which was referred a joint resolution (S. J. Res. 148) authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration, having considered the same, report the joint resolution to the Senate with the recommendation that it pass.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 579.

VALIDATION OF TITLE TO CERTAIN TOWN SITES IN THE STATE OF MONTANA.

JUNE 3, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 4180.]

The Committee on Public Lands, to which was referred the bill (S. 4180) to validate title to certain town sites in the State of Montana, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The bill was referred to the Interior Department, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, April 1, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: In response to your request for a report on S. 4180, I have the honor to submit the following:

The bill directs the acceptance by this department for surface rights only of a certain list of lieu selections filed by the Northern Pacific Railway Co., and also a soldier's additional homestead application, presented by Willard F. Hanks, assignee of the right of William H. Shafer, for lands in the Glasgow (Mont.) land district, and the issue of patents thereon, with a reservation to the United States of all the coal in said lands.

I am advised by the Commissioner of the General Land Office that the tracts selected by the Northern Pacific Railway Co. and described in the bill are the S. ½ SE. ¼ sec. 3, T. 35 N., R. 49 E., the S. ½ NE. ¼ sec. 9, T. 35 N., R. 50 E., and the NE. ¼ NE. ¼ sec. 17, T. 35 N., R. 51 E. These tracts when originally selected, June 23, 1913, were unsurveyed and were described by metes and bounds. The plats of survey were filed in the local land office on December 2, 1913, and on December 5, 1913, the railway company filed a new list, conforming its selection thereto. These lands were all withdrawn for classification as coal lands at the time of the application to select by the railway company. The SW. ¼ NW. ¼ sec. 5, T. 35 N., R. 52 E., embraced in the additional homestead claim of Hanks, has been classified as coal land at $10 per acre and restored to entry. As above stated, the plats of survey were filed December 2, 1913, and under the law settlers on the lands had three months thereafter within which to assert their claims in the local land office, and, if filed within that

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time, their right would relate back to the date of settlement. This period expired March 3, 1914.

I am now advised by the Commissioner of the General Land Office that the records of his office and reports from the local land office show that while a number of claims to these lands have been asserted, they had all been either rejected or relinquished, and that there are now no claims adverse to those under the Northern Pacific Railway Co. and Hanks.

Therefore, as the lands described in the bill, under the rulings of this department are not subject to selection by the Northern Pacific Railway Co. nor to the additional homestead claim of Hanks, no provision for such filings being made by the act of June 22, 1910 (36 Stat., 583), governing agricultural entries for coal lands, as modified by the act of April 30, 1912 (37 Stat., 105), if it is the will of Congress that title to these lands should be given to the claimants for town-site purposes, the legislation is necessary, and the records do not now disclose any objection thereto.

A preliminary report on this bill was submitted March 10, 1914.

Respectfully,

A. A. JONES,
First Assistant Secretary.

The necessity for the passage of this bill arises out of a condition created by the first section of the act of June 22, 1910 (36 Stats., 583). This act, known as the separation act, limits entries for surface rights in the following terms:

That from and after the passage of this act unreserved public lands of the United States exclusive of Alaska which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection under section four of the act approved August eighteenth, eighteen hundred and ninety-four, known as the Carey Act, and to withdrawal under the act approved June seventeenth, nineteen hundred and two, known as the reclamation act, whenever such selection entry or withdrawal shall be made with a view of obtaining or passing title with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same.

EFFECT.

The enumeration of certain kinds of entries for surface rights on lands classified as coal withdrawn for examination or valuable for coal bars all other classes of entry. It is apparent that no entry can be made under the town-site laws, no lieu lands selection or location of script can be made on public land classified as coal withdrawn for examination or valuable for coal, and it is impossible to obtain title for town-site purposes on any land embraced by this act.

THE PARTICULAR CONDITIONS.

In northeastern Montana extensive withdrawals have been made for examination under the act of June 25, 1910. The Great Northern Railroad's branch line from Plentywood runs westward through townships 35 north of ranges 48, 49, 50, 51, and 52 east M. M. With the exception of township 35 of range 48 these townships have been withdrawn for examination or have been classified as coal land. Under a strict compliance with the act of June 22, 1910, no towns can be originated in the four townships indicated. In township 35, range 52, Willard F. Hanks located the soldier's additional right described in the bill (S. 4180). By an Executive order dated May 29, 1913, this township was restored to the public domain and released from the order of withdrawal. The soldier's additional right was located under a misapprehension both by the locator and the local land office. The locator understood that the restoration to the public domain per-

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mitted the location of this right, and this location was accepted by the local land office. At approximately the same date as the order of restoration an order was entered classifying this entire township as coal land. This order became effective upon its being signed, and therefore at the time of the location the law above quoted was a bar to its acceptance. This condition was not brought to the attention of the locator until January 12, 1914, when the Commissioner of the General Land Office decided adversely to the acceptance of the location, holding in line with the law that soldier's additional homestead entry could not be made on land classified as coal. This forty is immediately adjacent to and a part of a thriving town and is intended as an addition to the town site heretofore established.

Mr. D. N. Tallman, of Willmar, Minn., purchased from the Northern Pacific Railroad the right to make lieu-land selections, and made selections in townships 35 north, of ranges 49, 50, and 51 east M. M., as described in the bill. It was the purpose of this locator to show these lands were not valuable for coal under the last proviso to the act of June 22, 1910. At the time the Northern Pacific lieu-land selections were made these townships had not been subdivided, and for that reason the Geological Survey had not made an examination of these lands. The survey of these townships became effective December 2, 1913, and up to this time no examination of the three last-named townships had been made, nor will an examination be made until late in the present year, and a determination after the examination can not be had before some time in 1915, and probably late in that year. The Geological Survey has stated that these lands are overlain with a very heavy deposit of glacial drift, and that a surface examination will probably reveal little or no coal. Yet the survey believes there is a possibility of finding coal at a considerable depth, but this can be done only by making borings, to which expense the survey is not willing to go, and in the meantime the lands are simply held without any determination as to their true status.

The Northern Pacific lieu lands selected by Mr. Tallman were selected for the purpose of building towns thereon. Mr. Tallman believed and still believes that these lands are not valuable for coal. There are no surface indications of coal of any value and the local belief is that there is no coal in these lands. However, to show entire good faith, Mr. Tallman filed in the General Land Office a waiver of coal, if any, in the lands applied for. This waiver includes all the tracts mentioned in the bill (S. 4180). There was and still is an insistent demand for the development of these towns, and yielding to this demand Mr. Tallman permitted the occupation of these tracts and on each tract there is now a flourishing town. (See statement at conclusion of this report.)

The area covered by the four town sites is 280 acres.

The action, heretofore referred to, taken by the Commissioner of the General Land Office in the soldiers additional homestead entry of Hanks, jeopardizes the title not only to that tract but to the Northern Pacific lieu-land selections as well. Undoubtedly this action was strictly in accord with the act of June 22, 1910. It is for this reason that action by Congress is necessary to validate the title to these towns. The development of these four towns is essential to the development of this particular section of the State of Montana. In fact the towns are a public necessity.

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These towns are being developed independent of the Great Northern Railroad. Their originator has paid the full value of the rights exercised. The rights are such as would be freely accepted by the Land Office were it not for the bar of the act of June 22, 1910. The department has no objection to passing these tracts to patent. There are no rights adverse to the claimant. The bill provides that title to the coal, if any, in these lands shall remain in the Government and will pass surface rights only. Legislation by Congress is the only complete and speedy relief possible to accord in the premises.

The following table shows lots sold under contract in three of the four towns affected by the bill. The town not tabulated is in township 35 north, of range 51 east, M. M., and is now occupied as a town site. The tables show sales and contracts up to January 1, 1914. The towns have built up rapidly during the present year:

BOYER.

[Located in T. 35 N., R. 49 E., M. M.]

Lots.	Block.	Business.	Name.	Amount.
13 to 18, inclusive	2	Lumber yard	E. W. Palutzke	$500.00
1	5	Real estate	A. M. Morrison	500.00
16, 17, and 18	5	Lumber yard	Gustav Ole	600.00
19	5	do	do	200.00

FLAXVILLE.

[Located in T. 35 N., R. 50 E., M. M.]

1	8	Bank	State Bank of Flaxville	$500.00
12	3	do	Security State Bank	500.00
3	8	Saloon	Peter Krebsbach	350.00
4 and 5	8	Hotel	Geo. B. Strong	700.00
2	8	Hardware	G. E. Bolster	400.00
9	3	Bank	Security State	300.00
10	3	Hardware	Harry Sparling	300.00
11	3	General store	P. E. Johnson	400.00
13 and 14	3	Horse corral	Security State Bank	500.00
8	3	Barber shop	H. A. Greenberg	300.00
15, 16, 17, and 18	3	Lumber yard	G. M. Brunnier	1,050.00
6	8	Restaurant	P. & F. Murr	350.00
12	2	General merchandise	B. F. Kirkely	500.00
1, 2, and 3	10	Lumber yard	Oscar Hanson	650.00
6	10	Feed stable	Morton C. Owsley	250.00
1	9	Restaurant	E. M. Hummel	500.00
6	7	Blacksmith	W. H. Laugh	250.00
3 and 4	4		Joseph Goulet	300.00
8	9	Hotel	Morton C. Owsley	300.00
10	2		Fred Tassa	300.00
13	9		W. E. Barnhard	350.00
8	8		Jessie Barnhart	350.00

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REDSTONE.

[Located in T. 35 N., R. 52 E., M. M.]

Lots.	Block.	Business.	Name.	Amount.
1 and 2	11	General merchandise	Elmer Bergh	$665.00
12	6	Bank	State Bank, Redstone	500.00
11	6	Real estate	W. K. Young	340.00
10	6	Barber	W. E. Johnson	297.50
7, 8, and 9	6	Hotel	F. C. Schroeder	722.50
5 and 6	6	General merchandise	Reed & Kane	425.00
4	6	Printer	W. E. Johnson	212.50
3	6	Meat market	Hanson & Hanson	212.50
11 and 12	11	Saloon	Frank Gordon	765.00
6	11	Hardware	N. P. Rasmusson	300.00
5 and 6	5	Blacksmith	Bucklin & Whiting	297.50
13 to 18, inclusive	6	Lumber yard	E. W. Palutzke	1,200.00
3	8	Residence	D. D. Frederick	125.00
16	3	do	S. Jackson	125.00
6	8	Post office	K. H. Lion	127.50
3	11		Steele & Krebsbach	350.00
4, 5, and 6	4	School		
15	7	Barber	J. A. Womack	250.00
5 and 6	12	Livery	L. P. Kurtz	297.50
5	11	Restaurant	Ingsell & Daley	350.00
20 and 21	6	Lumber yard	Kulass Lumber Co	550.00
3	12	Blacksmith	Otto Larson	150.00
16	7	Restaurant	A. J. Minor	250.00
4	11	Pool hall	Frank L. Gray	350.00
13 and 14	3	Church	Methodist Church	
1	5	Residence	J. H. Leveille	135.00
14	7	Real estate	Madsen & McCune	300.00
7	8	Residence	John Larson	180.00
10 and 11	10	Garage	Gray & Oswald	800.00
2	4	Residence	A. E. Leoy	112.50
8	4	do	E. D. Arnold	100.00
7	4	do	H. C. Claydon	112.50
6	2	do	John A. Boe	200.00
9	8	do	John B. Enderlin	135.00
10 and 11	7	Hotel	Otto A. Steffler	750.00

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 583.

FEDERAL TRADE COMMISSION.

JUNE 24, 1914.—Ordered to be printed.

Mr. NEWLANDS, from the Committee on Interstate Commerce, submitted the following

REPORT.

[To accompany S. 4160.]

The Committee on Interstate Commerce completed its consideration of the bill (S. 4160) to create an interstate trade commission, to define its powers and duties, and for other purposes, and it was reported to the Senate on June 5 (calendar day, June 6), 1914. On the 5th day of June the House bill (H. R. 15613), having a similar purpose, was passed by the House of Representatives, and referred to this committee on the following day.

The committee, proceeding accordingly to the consideration of H. R. 15613, completed its consideration of the latter bill, and the chairman on June 13, 1914, reported it to the Senate (S. Rept. No. 597). The action of the committee consisted of striking out all of the House bill (H. R. 15613) after the enacting clause and substituting therefor the text of Senate bill (S. 4160), as already reported, with certain additional amendments.

The views of the committee having been fully set forth in the report on the House bill (H. R. 15613, S. Rept. No. 597), no report further than this will be made on the Senate bill (S. 4160).

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 585.

PURCHASE OF TWO BRONZE COPIES OF THE ORIGINAL MARBLE PORTRAIT STATUE OF GEORGE WASHINGTON.

JUNE 5 (calendar day June 8), 1914.—Ordered to be printed.

Mr. LEA, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 5429.)

The Committee on the Library, having had under consideration the bill (S. 5429) to purchase two bronze copies of the original marble portrait statue of George Washington, beg to report the same without amendment, and to recommend that the bill do pass.

The original marble portrait statue of George Washington, made from life for the State of Virginia by Jean Antoine Houdon, one of the world's greatest portrait sculptors, stands in the rotunda of the State capitol at Richmond, having been voted in 1784 by the General Assembly of Virginia.

The bronze replicas provided for in the accompanying bill are authorized by a statute of Virginia, and to attest their authenticity it is provided that there shall be on the plinth of each the following inscription: "Copied from the original by Houdon in the State Capitol at Richmond by permission of the General Assembly of Virginia," and a facsimile of the great seal of the State of Virginia.

The history and description of the Houdon statue of Washington is set forth in the following memorandum prepared for the consideration of the committee. The facts set forth are taken very largely from the official report of the commission appointed by the governor of Virginia, pursuant to an act of the General Assembly of Virginia approved March 17, 1910, charged with the duty of causing to be made a copy of the Houdon statue of Washington, and presenting the same on behalf of the people of Virginia to the people of the Republic of France.

[Memorandum.]

The Houdon statue of Washington is America's most interesting, inspiring, and priceless art possession. Its history is inseparably connected with the history of the United States, and it stands as a perpetual memorial of the affection and gratitude of a nation to its founder.

The original, in marble, is in the State capitol at Richmond, having been decreed in 1784 by the General Assembly of Virginia as an expression of the love and veneration of the people.

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To Thomas Jefferson, who was then one of our ministers in France, the governor of Virginia largely intrusted the duty of arranging for the statue, including the selection of the artist. After consultation with Benjamin Franklin, the Marquis de Lafayette, and others of Washington's friends who were then abroad, it was decided to commission Jean Antoine Houdon, the foremost portrait sculptor of Europe, to make the statue. As Houdon stood away at the head of his profession then, and has probably never been equaled since as a portrait sculptor, he was in demand by all the royalties of Europe, and it was necessary for him to abandon other important work, notably a commission from the Empress of Russia, in order to undertake the Washington statue. But, realizing with prophetic vision the opportunity of gaining everlasting fame by transmitting to posterity the face and form of Washington, Houdon accepted the commission, although it involved great hardship and financial sacrifice.

"With that intuitive penetration which characterized him in the fine arts, as well as in science and in government," Jefferson perceived that nothing short of an exact reproduction of the features and form of Washington would be of lasting interest or value, so it was decided that Houdon should proceed from France to America, where he could visit Washington at Mount Vernon and there study the man and absorb his spirit.

During the fortnight which Houdon spent at Mount Vernon he took casts of Washington's face, head, arms, hands, and chest, and made minute measurements of his body, "thus acquiring that intimate knowledge of his subject demanded by his mission."

The result of Houdon's study and work was a statue of Washington which almost lives and breathes and speaks.

Jefferson, Madison, Monroe, Franklin, Marshall, Lafayette, and many others of the time who saw the statue and knew Washington declared it to be his absolute likeness and image.

Lafayette's words were: "It is a facsimile of Washington's person." Chief Justice John Marshall said: "Nothing in bronze or stone could be a more perfect image than this statue of the living Washington."

No statue or painting exists which is more thoroughly authenticated than this Houdon statue of Washington. From its inception to its completion it is historically marked by a chronological record of facts, resolutions, and correspondence which will preserve its identity and character for all time, and, what is more rare, its perfect similitude to the original is established by facts and opinions as convincing as human testimony can furnish.

The Houdon statue affords the only means now available of getting a proper conception of the actual appearance of Washington, whom it proves to have been a magnificent physical man, the lines of the statue rivaling in strength and beauty the world-renowned Apollo Belvedere of the Vatican, which is the most noted ideal of the male human form. The statue, which is exactly life size, shows Washington as standing 6 feet 2½ inches in height, with great breadth of chest, symmetrically tapering from the shoulders to the feet, erect as an Indian, with a lofty, dignified and benignant bearing.

The statue reveals Washington standing erect with head uncovered, dressed in the military clothes which he wore in the service of his country, but the sword laid aside and a long cane in his right hand, "thus strikingly symbolizing that for which Washington so strongly stood—the subordination of the military to the civil power." The associated symbols and devices are most befitting and intensely significant. The erect column of 13 rods, one for each of the original States, fashioned like the Roman fasces, stands on the mold board of a plow. Over this column is thrown Washington's cloak, and on it rests his left hand, and from it hangs his sword, "now honorably laid aside after having won the independence of the States whose united power was to be beneficently administered."

The Roman fasces was a bundle of rods with an axe in its midst, carried by the lictors in front of the chief magistrates of Rome as symbolizing the administrative power of the State. The plowshare upon which this rests symbolizes agriculture as the foundation of our national strength.

Thus the symbols, the fasces and the plowshare, the one representing authority, power, and honor, the other representing the peaceful arts so congenial to Washington's tastes and feelings, seem most appropriate accessories to a statue of such significance, beauty, and dignity.

The paramount idea in the minds of the members of the general assembly of Virginia in the creation of a portrait statue of George Washington during his lifetime, was to transmit to posterity an exact and faithful likeness of the face and form of Washington, to the end that all the people for all time might enjoy the priceless privilege of knowing the actual personal appearance of the Father of Our Country.

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Recognizing the possibility of the destruction of the original marble, the General Assembly of Virginia, in March, 1851, passed the following resolution:

"*Resolved*, By the general assembly, that, for the purpose of guarding against the consequences of any mutilation or destruction of Houdon's statue of Washington, believed to be the only correct representation in marble of the Father of His Country, the governor of this Commonwealth be requested to cause casts in plaster to be taken from the said statue, and the same to be distributed amongst the several collegiate institutions of this Commonwealth."

This patriotic and farseeing legislation seems never to have been acted upon.

There are, however, in existence ten authorized bronze copies of the Houdon statue.

Of these ten copies, the State of Virginia itself presented one to the Government of the United States, one to the Government of France, and at the last session of the General Assembly of Virginia there was authorized a copy for presentation to the Government of Great Britain and Ireland. The general assembly has also authorized a copy to be made for the University of Virginia. All of these copies so far made for the State of Virginia were made by the Gorham Co.

The other six authorized bronze copies of the Houdon statue were made by William J. Hubard, of Richmond, under authority given him by the General Assembly of Virginia in January, 1853. After these six copies were completed the molds were destroyed, and for over 50 years the State of Virginia would not permit any further copies to be made.

These copies by Hubard are located as follows:

One in the grounds of the State capitol of North Carolina, one in the grounds of the State capitol of South Carolina, one in Lafayette Park, St. Louis, one in the Metropolitan Museum of Art, New York, one on loan in the Corcoran Gallery of Art, Washington, D. C., and one in the Virginia Military Institute at Lexington, Va.

For the copy in the grounds of the Virginia Military Institute the State of Virginia paid Hubard the sum of $10,000, as is shown by joint resolution No. 12, Acts of the General Assembly of Virginia, 1855–56, adopted March 8, 1856, which is as follows:

[Acts of Assembly of Virginia, 1855–56, p. 291.]

No. 12.—Joint resolution to authorize the purchase from William J. Hubard of a bronze cast of Houdon's statue of Washington.

[Adopted Mar. 8, 1856.]

Resolved, By the general assembly, that the governor be authorized to contract with William J. Hubard for a cast of Houdon's statue of Washington, properly executed in bronze, and a faithful copy of the original, to be placed at the Virginia Military Institute at Lexington, and that the governor be authorized to draw upon the auditor of public accounts for a warrant upon the treasurer for a sum not exceeding $10,000, to defray the expenses attending the performing of the contract, when it shall have been, in his opinion, faithfully performed.

The inspiration to high endeavor to be imparted by the sculptured presence of the first President and Commander in Chief of the Army and Navy of the United States makes manifest the propriety and desirability of placing in our military and naval academies this faithful and lifelike image of the person of Washington.

And the committee recommends that the bill do pass.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 586.

PENSION APPROPRIATION BILL.

JUNE 5 (calendar day, June 8), 1914.—Ordered to be printed.

Mr. SHIVELY, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 15280.]

The Committee on Pensions, having had under consideration the bil (H. R. 15280) making appropriation for the payment of invalid and other pensions for the fiscal year 1915, recommend that the same do pass.

The basis for the sums set forth in the bill will be found on page 357 of the Book of Estimates. The amounts, respectively, of the appropriation for the current fiscal year, the estimate for the year 1915, and the sums proposed in the present bill are as follows:

Title of expenditure.	Appropriations for 1914.	Estimates for 1915.	Recommended for 1915.
Payment of pensions	$180,000,000	$169,000,000	$169,000,000
Fees of examining surgeons	300,000	150,000	150,000
Total	180,300,000	169,150,000	169,150,000

The reduction from the amount appropriated for pensions last year is due, in most part, to death among the survivors of the Civil War. Of these veterans on the roll, 36,064 passed away within the fiscal year 1913. In the first 10 months of the present fiscal year the mortality among the survivors amounted to 27,190. The reduction in the amount appropriated for fees is due to the operation of the age and service act. In the vast majority of adjudications, age and service being the basis of the pension and rate of pension, medical examinations are greatly reduced.

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The following report of the Committee on Appropriations of the House of Representatives, is hereto appended:

TOTAL EXPENDITURES FOR PENSIONS.

The following table, taken from the report of the Commissioner of Pensions, shows the amounts paid by the Government in pensions to soldiers, sailors, and marines, their widows, minor children, and dependent relatives, on account of military and naval service since the foundation of the Republic:

War of the Revolution (estimated)	$70,000,000.00
War of 1812 (service pension)	45,923,014.46
Indian wars (service pension)	12,241,273.61
War with Mexico (service pension)	47,632,572.34
Civil War	4,294,596,944.47
War with Spain and Philippine insurrection	42,185,230.84
Regular establishment	28,461,369.52
Unclassified	16,499,419.44
Total	4,557,539,824.68

The following table, also compiled from the annual reports of the Commissioner of Pensions, shows the number of pensioners on the roll, the annual value of pensions, the disbursements on account of pensions, the number of original applications filed, and the number of original claims allowed each fiscal year from 1879 to 1913, inclusive:

Fiscal year.	Number of pensioners on the roll.	Annual value of pensions.	Disbursements on account of pensions.	Total number of applications filed, original.	Total number of claims allowed, original.
1879	242,755	$25,493,742.15	$33,664,428.92	57,118	31,346
1880	250,802	25,917,906.60	56,689,229.08	141,466	19,545
1881	268,830	28,769,967.46	50,583,405.35	31,116	27,394
1882	285,697	29,341,101.62	54,313,172.05	40,939	27,664
1883	303,658	32,245,192.43	60,427,573.81	48,776	38,162
1884	322,756	34,456,600.35	57,912,387.47	41,785	34,192
1885	345,125	38,990,985.28	65,171,937.12	40,918	35,767
1886	365,783	44,708,027.44	64,091,142.90	49,895	40,857
1887	406,007	52,824,641.22	73,752,997.08	72,465	55,194
1888	452,557	56,707,220.92	78,950,501.67	75,726	60,252
1889	489,725	64,246,552.36	88,842,720.58	81,220	51,921
1890	537,944	72,052,143.49	106,094,250.39	105,044	66,637
1891	676,160	89,247,200.20	117,312,690.50	696,941	156,486
1892	876,068	116,879,867.24	139,394,147.11	246,638	224,047
1893	966,012	130,510,179.34	156,906,637.94	119,361	121,630
1894	969,544	130,120,863.00	139,986,726.17	57,141	39,085
1895	970,524	130,048,365.00	139,807,788.78	45,361	39,185
1896	970,678	129,485,587.00	138,215,174.98	42,244	40,374
1897	976,014	129,795,428.00	139,949,717.35	50,585	50,101
1898	993,714	130,968,465.00	144,651,879.80	48,732	52,648
1899	991,519	131,617,961.00	138,355,052.95	53,881	37,077
1900	993,529	131,534,544.00	138,462,130.65	51,964	40,645
1901	997,735	131,568,216.00	138,531,483.84	58,373	44,868
1902	999,446	132,152,800.00	137,504,267.99	47,965	40,173
1903	996,545	133,029,090.00	137,759,653.71	52,325	40,136
1904	994,762	134,130,203.00	141,093,571.00	55,794	44,296
1905	998,441	136,745,295.00	141,142,861.33	52,841	50,027
1906	985,971	136,237,749.00	139,000,288.25	37,212	34,974
1907	967,371	140,850,880.60	138,155,412.46	43,619	29,945
1908	951,687	159,495,701.00	153,093,086.27	46,619	37,691
1909	946,194	160,682,870.32	161,973,703.50	35,789	45,086
1910	921,083	158,332,391.82	159,974,056.08	31,777	28,027
1911	892,098	154,834,237.80	157,325,160.35	30,601	25,519
1912	860,294	151,558,141.40	152,986,105.22	27,692	22,777
1913	820,200	171,490,784.82	174,171,660.80	27,856	19,346

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The first payments made on new certificates each year for the past five years, with the averages, and the averages of first payments by classes during the past year are shown in the commissioner's report as follows:

First payments during the last five years.

Fiscal year.	Number.	Amount.	Average.
1913	433,995	$18,250,225	$42.05
1912	78,781	4,096,502	53.00
1911	93,632	4,842,925	51.72
1910	91,448	4,858,504	52.13
1909	124,634	6,489,416	52.07

Average first payments in each class.

Average value of first payments:

In original cases	$88.78
In original Regular Establishment cases	104.46
In original act May 11, 1912, cases	74.47
In original act Feb. 6, 1907, cases	192.98
In original general law, Civil War cases	136.45
In original act June 27, 1890, cases	261.20
In original act Apr. 19, 1908, cases	62.53
In original War with Spain cases	254.90
In increase and reissue cases	39.83
In original War with Mexico cases	150.03
In original Indian wars cases	192.54
In all cases	42.05

REFERENCES.

Navy pension fund.—Section 4755 of the Revised Statutes provides that Navy pensions shall be paid out of the "Navy pension fund," upon an appropriation by Congress, so far as the same may be sufficient.

The naval pension fund at present amounts to $14,000,000, bearing interest at the rate of 3 per cent per annum, and is created under the provisions of sections 4751 and 4752 of the Revised Statutes.

The payments on account of Navy pensions during the fiscal year 1913 aggregated $6,021,684.84.

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Number of pensioners in each State and Territory, each insular possession, and each foreign country on the rolls June 30, 1913, and the amounts paid therein during the fiscal year 1913.

SUMMARY.

	Pensioners.	Payments.
Pensioners residing in States and Territories and payments to them	814,502	$172,950,861.51
Pensioners residing in insular possessions and Canal Zone and payments to them	203	43,102.99
Pensioners residing in foreign countries and payments to them	5,495	1,166,753.35
Total	820,200	174,160,717.85
Payments by Treasury Department (Treasury settlements)	.....	10,942.95
Total payments on account of Army and Navy pensions, 1913	.....	174,171,660.80

[Report of Commissioner of Pensions, p. 27.]

State or Territory.	Number.	Amount.
Alabama	3,230	$685,825.90
Alaska	80	16,986.40
Arizona	895	190,035.35
Arkansas	8,808	1,870,202.64
California	28,964	6,149,926.12
Colorado	8,049	1,709,044.17
Connecticut	10,003	2,123,936.99
Delaware	2,601	552,270.33
District of Columbia	8,986	1,907,997.38
Florida	5,085	1,079,698.05
Georgia	2,995	635,928.35
Idaho	2,245	476,680.85
Illinois	56,482	11,992,823.06
Indiana	49,987	10,613,739.71
Iowa	27,821	5,907,232.93
Kansas	32,399	6,879,279.67
Kentucky	21,350	4,533,245.50
Louisiana	5,373	1,140,849.09
Maine	14,261	3,028,038.13
Maryland	12,439	2,641,172.87
Massachusetts	34,124	7,245,548.92
Michigan	34,298	7,282,494.34
Minnesota	12,703	2,697,227.99
Mississippi	4,009	851,230.97
Missouri	39,490	8,284,911.70
Montana	2,364	501,948.12
Nebraska	14,364	3,049,908.12
Nevada	399	84,719.67
New Hampshire	6,560	1,392,884.80
New Jersey	20,624	4,379,093.92
New Mexico	1,896	402,577.68
New York	68,270	14,498,319.71
North Carolina	3,631	770,970.23
North Dakota	2,931	622,339.23
Ohio	77,599	16,479,146.29
Oklahoma	11,397	2,419,925.01
Oregon	7,798	1,655,749.34
Pennsylvania	75,618	16,058,520.56
Rhode Island	4,482	951,663.06
South Carolina	1,694	359,687.02
South Dakota	5,392	1,144,883.36
Tennessee	16,954	3,599,842.82
Texas	8,402	1,783,996.66
Utah	1,026	217,850.58
Vermont	6,540	1,388,638.20
Virginia	8,709	1,849,181.97
Washington	9,942	2,110,984.86
West Virginia	10,618	2,254,519.94
Wisconsin	19,776	4,199,038.08
Wyoming	839	178,144.87
Total	814,502	172,950,861.51

Country.	Number.	Amount.
INSULAR POSSESSIONS.		
Canal Zone	2	$424.66
Guam	3	636.99
Hawaii	84	17,835.72
Philippines	70	14,863.10
Porto Rico	44	9,342.52
Total	203	43,102.99
FOREIGN COUNTRIES.		
Argentina	13	2,760.29
Australia	101	21,445.33
Austria-Hungary	37	7,856.21
Belgium	23	4,883.59
Canada	2,879	611,298.07
Chile	11	2,335.63
China	15	3,184.95
Cuba	61	12,952.13
Denmark	56	11,890.48
England	555	117,843.15
France	76	16,137.08
Germany	520	110,411.60
Ireland	404	85,781.32
Italy	58	12,315.14
Japan	33	7,006.89
Mexico	136	28,876.88
New Zealand	14	2,972.62
Norway	73	15,500.09
Peru	12	2,547.96
Russia	16	3,397.28
Scotland	75	15,924.75
South Africa	10	2,123.30
Sweden	69	14,650.77
Switzerland	66	14,013.78
Wales	26	5,520.58
Other foreign countries or possessions having less than 10 pensioners each and not classified	156	33,123.48
Total	5,495	1,166,753.35

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The number of Cival War survivors on the roll at the end of the fiscal year 1912 was 497,263, and at the end of the fiscal year 1913 was 462,379.

The number of Civil War survivors on the pension roll who died during the fiscal year ended June 30, 1912, was 33,891, and the number who died during the fiscal year ended June 30, 1913, was 36,064.

Disbursements for pensions and for maintenance of pension system, 1866 to 1913.

[Report of Commissioner of Pensions, p. 9.]

Fiscal year.	Paid as pensions.	Cost, maintenance, and expenses.	Total.	Number of pensioners.
1866	$15,450,549.88	$407,165.00	$15,857,714.88	126,722
1867	20,784,789.69	490,977.35	21,275,767.04	155,474
1868	23,101,509.36	553,020.34	23,654,529.70	169,643
1869	28,513,247.27	564,526.81	29,077,774.08	187,963
1870	29,351,488.78	600,997.86	29,952,486.64	198,686
1871	28,518,792.62	863,079.00	29,381,871.62	207,495
1872	29,752,746.81	951,253.00	30,703,999.81	232,229
1873	26,982,063.89	1,003,200.64	27,985,264.53	238,411
1874	30,206,778.99	966,794.13	31,173,573.12	236,241
1875	29,270,404.76	982,695.35	30,253,100.11	234,821
1876	27,936,209.53	1,015,078.81	28,951,288.34	232,137
1877	28,182,821.72	1,034,459.33	29,217,281.05	232,104
1878	26,786,009.44	1,032,500.09	27,818,509.53	223,998
1879	33,664,428.92	837,734.14	34,502,163.06	242,755
1880	56,689,229.08	935,027.28	57,624,256.36	250,802
1881	50,583,405.35	1,072,059.64	51,655,464.99	268,830
1882	54,313,172.05	1,466,236.01	55,779,408.06	285,697
1883	60,427,573.81	2,591,648.29	63,019,222.10	303,658
1884	57,912,387.47	2,835,181.00	60,747,568.47	322,756
1885	65,171,937.12	3,392,576.34	68,564,513.46	345,125
1886	64,091,142.90	3,245,016.61	67,336,159.51	365,783
1887	73,752,997.08	3,753,400.91	77,506,397.99	406,007
1888	78,950,501.67	3,515,057.27	82,465,558.94	452,557
1889	88,842,720.58	3,466,968.40	92,309,688.98	489,725
1890	106,093,850.39	3,526,382.13	109,620,232.52	537,944
1891	117,312,690.50	4,700,636.44	122,013,326.94	676,160
1892	139,394,147.11	4,898,665.80	144,292,812.91	876,068
1893	156,906,637.94	4,867,734.42	161,774,372.36	966,012
1894	139,986,726.17	3,963,976.31	143,950,702.48	969,544
1895	139,812,294.30	4,338,020.21	144,150,314.51	970,524
1896	138,220,704.46	3,991,375.61	142,212,080.07	970,678
1897	139,949,717.35	3,987,783.07	143,937,500.42	976,014
1898	144,651,879.80	4,114,091.46	148,765,971.26	993,714
1899	138,355,052.95	4,147,517.73	142,502,570.68	991,519
1900	138,462,130.65	3,841,706.74	142,303,837.39	993,592
1901	138,531,483.84	3,868,795.44	142,400,279.28	997,735
1902	137,504,267.99	3,831,378.96	141,335,646.95	999,446
1903	137,759,653.71	3,993,216.79	141,752,870.50	996,545
1904	141,093,571.49	3,849,366.25	144,942,937.74	994,762
1905	141,142,861.33	3,721,832.82	144,864,694.15	998,441
1906	139,000,288.25	3,523,269.51	142,523,557.76	985,971
1907	138,155,412.46	3,309,110.44	141,464,522.90	967,371
1908	153,093,086.27	2,800,963.36	155,894,049.63	951,687
1909	161,973,703.77	2,852,583.73	164,826,287.50	946,194
1910	159,974,056.08	2,657,673.86	162,631,729.94	921,083
1911	157,325,160.35	2,517,127.06	159,842,287.41	892,098
1912	152,986,433.72	2,448,857.31	155,435,291.03	860,294
1913	174,171,660.80	2,543,246.59	176,714,907.39	820,200
Total	4,461,094,380.45	125,871,965.64	4,586,966,346.09	.....

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SPECIAL ACTS.

[Report of the Commissioner of Pensions, p. 9.]

Since 1861 there have been allowed by special acts of Congress 42,337 pensions and increases of pensions, of which 22,016 are now on the roll, with an annual face value of $6,699,096. Only a part of this is properly chargeable to special acts, as most of the beneficiaries had been previously pensioned under general laws at lower rates.

From June 30, 1912, and thereafter during the Sixty-second Congress, 2,871 persons were included in the special acts passed at the rates specified in the summary following:

Pensions granted by special act during the Sixty-second Congress, subsequent to June 30, 1912.

Rates specified.	Number granted.	Rates specified.	Number granted.	Rates specified.	Number granted.
$100	3	$20	398	Inoperative:	
$50	98	$18	6	$50	8
$46	1	$17	6	$40	4
$45	2	$16	32	$36	9
$40	116	$15	20	$30	33
$36	164	$14	2	$24	16
$35	2	$12	403	$20	3
$30	972	$10	15	$16	4
$25	16	$8	9	$12	4
$24	518	$6	7		
				Total	2,871

Of the above, 461 were granted to persons not in receipt of a pension and 2,410 to persons then receiving smaller pensions.

The annual value of said special-act pensions is $864,624, and the annual increase due to the same is $407,157.

The following statement shows the number of pensions and increases of pensions granted by special acts during each Congress since March 4, 1861:

Number of pensions granted by special acts each Congress since Mar. 4, 1861.

Congress.	Number.	Congress.	Number.
Thirty-seventh (1861–1863)	12	Fifty-first (1889–1891)	1,388
Thirty-eighth (1863–1865)	27	Fifty-second (1891–1893)	217
Thirty-ninth (1865–1867)	138	Fifty-third (1893–1895)	119
Fortieth (1867–1869)	275	Fifty-fourth (1895–1897)	378
Forty-first (1869–1871)	85	Fifty-fifth (1897–1899)	694
Forty-second (1871–1873)	167	Fifty-sixth (1899–1901)	1,391
Forty-third (1873–1875)	182	Fifty-seventh (1901–1903)	2,171
Forty-fourth (1875–1877)	98	Fifty-eighth (1903–1905)	3,355
Forty-fifth (1877–1879)	230	Fifty-ninth (1905–1907)	6,030
Forty-sixth (1879–1881)	96	Sixtieth (1907–1909)	6,600
Forty-seventh (1881–1883)	216	Sixty-first (1909–1911)	9,649
Forty-eighth (1883–1885)	598	Sixty-second (1911–1913)	6,350
Forty-ninth (1885–1887)	856		
Fiftieth (1887–1889)	1,015	Total	42,337

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 589.

DISPOSAL OF PORTION OF FORT BIDWELL INDIAN SCHOOL RESERVATION.

JUNE 5 (calendar day, JUNE 10), 1914.—Ordered to be printed.

Mr. PAGE, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 11006.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 11006) authorizing the disposal of a part of the Fort Bidwell Indian School Reservation, Cal., having had same under consideration, report the same favorably and recommend its passage, for the reasons set forth in House Report No. 161, second session Sixty-third Congress, which your committee approves and adopts as a part of its report.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 590.

JUDICIAL POWERS OF MINISTERS, CONSULS, ETC.

JUNE 5 (Calendar day JUNE 11), 1914.—Ordered to be printed.

Mr. STONE, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. 2877.]

The Committee on Foreign Relations, to which was referred the bill (S. 2877), to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Siam, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860, having had the same under consideration, report the said bill with the recommendation that it pass.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 591.

PRESENTING THE STEAM LAUNCH "LOUISE" TO THE FRENCH GOVERNMENT.

JUNE 12, 1914.—Ordered to be printed.

Mr. ROOT, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. 5739.]

The Committee on Foreign Relations, to which was referred the bill (S. 5739) to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government, having had the same under consideration, report said bill favorably, returning to the Senate as a part of this report the annexed letters, which have been considered by the committee, viz:

Secretary of War to Senator Root, February 16, 1914.
Col. Goethals to the same, February 26, 1914.
Secretary of War to the same, March 3, 1914.
French ambassador to Secretary of State, March 24, 1914.
Assistant Secretary of State to Secretary of War, March 31, 1914.
Secretary of War to Senator Root, April 7, 1914.
Same to same, April 16, 1914.

WAR DEPARTMENT,
Washington, February 16, 1914.

Hon. ELIHU ROOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of February 13, with which you inclose copy of a letter from a Mr. Welsh relative to turning over of the boat *Louise* to the French Government. I note that the letter of Mr. Welsh to you is dated November 21 and is exactly similar to a letter of December 5, written by Mr. Welsh to the Secretary of the Navy.

This latter letter was sent to the authorities on the Isthmus for suggestion, and letter of January 8 to Mr. Welsh, signed by the chief of the Washington office of the Isthmian Canal Commission, indicates pretty clearly the status of the matter. Copy of that letter is inclosed herewith.

Personally, I think that it would be a very gracious thing for our Government to turn over this boat to the French Government; but, of course, it could not be done without the approval of Congress. Any resolution or bill providing for the turning over of this boat should also provide an appropriation to cover the expenses of transferring this boat to the French Government, as there is no appropriation available for this purpose.

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Before taking up the matter in Congress, however, it might be advisable to find out, through the State Department, whether the French Government would actually care to receive this boat, as the only indication we have that they would care to receive it is Mr. Welsh's letter, together with the newspaper clipping accompanying it.

I will be glad to take this matter up with the State Department, if you would like me to do so; but as you might desire to do it yourself, I will hold the matter in abeyance until I receive further advices from you.

Sincerely, yours,

LINDLEY M. GARRISON,
Secretary of War.

FEBRUARY 26, 1914.

DEAR MR. SECRETARY: I should be very glad if you would talk with the Secretary of State about the suggested gift of the steam launch *Louise* to the French Government. I have talked in a casual way both with Col. Goethals and the French ambassador on the subject and they seem favorably impressed with the idea. Of course the ambassador was not speaking officially, and I suppose could not without consulting with his own Government. I presume that if anything is to be done about the matter the Secretary of State would have to speak to him and he would have to ascertain whether it would be agreeable to the French Government to receive the gift. If the French Government would care to have it I should be glad to either introduce a bill or joint resolution or to support one introduced by anyone else, providing for the gift of the boat and giving it an appropriate place of honor to carry the French colors in the first formal passage of the canal.

My conversation with Col. Goethals about the French work confirms me in the idea that it would be not only an act of courtesy, but an act of justice for our Government to do something to testify to the value and merit of what the French engineers did on the Isthmus. The common view is that the French tried and failed. The fact is that the French made a great contribution of permanent value to the accomplishment of this great work for the benefit of mankind. I think it is rather a duty for the Government of the United States to indicate an appreciation of this fact in an unmistakable way.

With kind regards, I am always,

Faithfully, yours,

ELIHU ROOT.

The SECRETARY OF WAR,
Washington, D. C.

ISTHMIAN CANAL COMMISSION,
Washington Office, February 26, 1914.

MY DEAR SENATOR ROOT: With reference to your verbal request for a description of the launch *Louise* in connection with the suggestion made that she be presented to the French Government, I beg to advise that the *Louise* is a steam launch of 25 tons, 60 feet long, 12-foot beam, 8-foot draft. She was built in France in 1885 and her present value is about $4,000. As stated in the letter addressed to Mr. Harry S. Welsh, the *Louise* would be a useful boat after the canal is completed, but at the same time could be readily spared. If there is any additional information that you desire upon the subject, I shall be very glad to furnish it.

Yours, sincerely,

GEO. W. GOETHALS.

Hon. ELIHU ROOT,
United States Senator, Washington, D. C.

WAR DEPARTMENT,
Washington, March 3, 1914.

Hon. ELIHU ROOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I beg to acknowledge receipt of your letter of February 26, relative to presenting the steamer *Louise* to the French Government, and I will be glad to take this question up with the Secretary of State. As soon as I find out definitely whether the gift would be acceptable to the French Government I will communicate with you further.

Sincerely, yours,

LINDLEY M. GARRISON,
Secretary of War.

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FRENCH EMBASSY,
Washington, March 24, 1914.

DEAR MR. SECRETARY: My Government, which I had informed of the courteous intentions mentioned in your letter of the 10th, concerning a possible presentation to France of the steamship *Louise*, in use at Panama since 1885, has just cabled me that such a gift, so spontaneous and friendly, would be highly appreciated by it and by our nation.

The motives for offering this present to France, as expressed in your letter, would enhance its value in the eyes of every French citizen, and be a new token of the traditional sympathy between our Republics.

Believe me, dear Mr. Secretary, with highest regards,

Very sincerely, yours,

JUSSERAND.

His Excellency Hon. W. J. BRYAN,
Secretary of State, Washington, D. C.

DEPARTMENT OF STATE,
Washington, March 31, 1914.

The honorable the SECRETARY OF WAR.

SIR: Referring to previous correspondence concerning the proposed presentation to France of the steamship *Louise*, in use at Panama since 1885, I have the honor to inclose a copy of a personal note from the French ambassador, stating that he is in receipt of a telegram from his Government to the effect that such a gift would be highly appreciated by it and by the French nation.

For the Secretary of State:

JOHN E. OSBORN,
Assistant Secretary.

WAR DEPARTMENT,
Washington, April 7, 1914.

Hon. ELIHU ROOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to previous correspondence relative to presenting the steam launch *Louise* to the French Government, and particularly to your letter, dated February 26th last, in which you state that if the French Government would care to have this boat you would be glad to either introduce a bill or joint resolution providing for the gift of the boat, I beg to inclose for your information a copy of a letter from the State Department, dated March 31, 1914, transmitting a copy of a personal note from the French ambassador stating that he is in receipt of a cablegram from his Government to the effect that such a gift would be highly appreciated by it and by the French nation.

This matter seems to be in such shape that it would be satisfactory to introduce a bill or resolution authorizing the transfer of the boat to the French Government, and it is my understanding that you desire to initiate this legislation. In this connection permit me to suggest that the bill or joint resolution, in addition to providing for the transfer, should contain an appropriation of a sufficient sum to cover putting the launch in good condition and delivering her to the French Government.

Very truly, yours,

LINDLEY M. GARRISON,
Secretary of War.

WAR DEPARTMENT,
Washington, April 16, 1914.

Hon. ELIHU ROOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to previous correspondence in reference to presenting the steam launch *Louise* to the French Government, and particularly to my letter to you dated April 7 last, I now beg to advise you that a cablegram, dated April 15, has been received from Col. Goethals, governor of the Panama Canal, indicating that it is estimated $6,000 will cover the cost of putting the launch in good condition and delivering her to the French Government, including all expenses connected with the transfer.

Very truly, yours,

LINDLEY M. GARRISON,
Secretary of War.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 592.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

JUNE 12, 1914.—Ordered to be printed.

Mr. OVERMAN, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 15762.]

The Committee on Appropriations, to whom was referred the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, reports the same to the Senate with amendments, and submits herewith a statement of the amount of the estimates for 1915 for the several branches of the service, the amount provided by the bill as passed the House of Representatives, the amount recommended by the committee, the amount appropriated for the fiscal year 1914, the increases to House bill recommended by the committee, and the amount of the several diplomatic and consular appropriation acts for fiscal years 1886 to 1914, inclusive.

Diplomatic and Consular Service, 1915.

Amount of estimates for 1915, as submitted in the Book of Estimates..	$4,447,042.66
Amount of House bill	4,455,852.66
Decrease by Senate committee (net)	95,866.00
Amount of bill as reported to Senate	4,359,986.66
Amount of appropriation act for 1914	3,730,642.66
The bill as reported is less than the regular estimates	87,056.00
The bill as reported exceeds the appropriations for 1914	629,344.00

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The changes in House bill recommended by the committee are as follows:

INCREASE.

Emergencies arising in the Diplomatic and Consular Service	$25,000.00
International Boundary Commission, United States and Mexico	10,000.00
Acquisition of consular premises at Shanghai, China	375,000.00
Allowance for clerk hire at United States consulates	200.00
Fifteenth International Congress Against Alcoholism	40,000.00
Total	450,200.00

DECREASE.

International Prison Commission	2,550.00
International Geodetic Association for the Measurement of the Earth	1,500.00
Bureau of Interparliamentary Union for Promotion of International Arbitration	2,000.00
International Institute of Agriculture	6,800.00
Permanent International Council for the Exploration of the Sea	7,156.00
International Seismological Association	500.00
Arbitration of outstanding pecuniary claims between the United States and Great Britain	3,310.00
International Radiotelegraphic Convention	1,000.00
Fifth International Conference of American States	25,000.00
International Congress on Customs Regulations	1,250.00
Nineteenth Conference, Interparliamentary Union	50,000.00
Acquisition of embassy premises, Mexico City	150,000.00
Acquisition of embassy premises, Tokyo, Japan	150,000.00
Acquisition of legation premises, Berne, Switzerland	140,000.00
International Commission on Public and Private International Law	5,000.00
Total	546,066.00
Net decrease	95,866.00
Amount of bill as reported to the Senate	4,359,986.66

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DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Comparative statement showing the appropriations for 1914, the estimates for 1915, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1915.

Object.	Appropriations, 1914.	Estimates, 1915.	House bill, 1915.	Senate committee, 1915.
Salaries of ambassadors and ministers	$560,500.00	$576,000.00	$587,000.00	$587,000.00
Salaries of secretaries of embassies and legations	139,175.00	149,150.00	150,300.00	150,300.00
Salaries of diplomatic and consular officers while receiving instructions and making transits (indefinite)	.....	.....	.....	.....
Clerks at embassies and legations	75,000.00	100,000.00	100,000.00	100,000.00
Salaries of interpreters to embassies and legations	38,300.00	38,300.00	38,300.00	38,300.00
Quarters for student interpreters at embassies of Turkey and Japan	1,200.00	1,200.00	1,200.00	1,200.00
Contingent expenses, foreign missions	355,000.00	355,000.00	388,435.00	388,435.00
Miscellaneous expenses, Diplomatic Service	478,492.66	1,145,017.66	1,108,242.66	972,176.66
Salaries of consuls general	303,000.00	303,000.00	303,000.00	303,000.00
Salaries of consuls	734,000.00	734,000.00	734,000.00	734,000.00
Salaries of consular inspectors	25,000.00	25,000.00	25,000.00	25,000.00
Expenses of consular inspectors	15,000.00	15,000.00	15,000.00	15,000.00
Salaries, consular assistants	46,600.00	46,600.00	46,600.00	46,600.00
Allowance for clerk hire at consulates	375,000.00	375,000.00	375,000.00	375,000.00

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DIPLOMATIC AND CONSULAR APPROPRIATION BILL—Continued.

Comparative statement showing the appropriations for 1914, the estimates for 1915, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1915—Continued.

Object.	Appropriations, 1914.	Estimates, 1915.	House bill, 1915.	Senate committee, 1915.
Interpreters to consulates in China, Chosen, Japan, and Siberia	$41,700.00	$41,700.00	$41,700.00	$41,700.00
Interpreters, guards, etc., in Turkish dominions	25,000.00	30,000.00	30,000.00	30,000.00
Marshals for consular courts	11,000.00	11,000.00	11,000.00	11,000.00
Expenses of prisons for American convicts	15,000.00	16,000.00	16,000.00	16,000.00
Relief and protection of American seamen	20,000.00	20,000.00	20,000.00	20,000.00
Foreign hospitals, etc., annual contributions to	75.00	75.00	75.00	75.00
Contingent expenses, United States consulates	471,600.00	465,000.00	465,000.00	465,000.00
Fifteenth International Congress Against Alcoholism	.....	.....	.....	40,000.00
Total Diplomatic and Consular Service	3,730,642.66	4,447,042.66	4,455,852.66	4,359,786.66

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Amount of Diplomatic and Consular appropriation acts for fiscal years 1886 to 1914, inclusive.

1886	$1,242,925.00	1901	$1,771,168.76
1887	1,364,065.00	1902	1,849,428.76
1888	1,429,942.44	1903	1,957,925.69
1889	1,428,465.00	1904	1,968,250.69
1890	1,980,025.00	1905	2,020,100.69
1891	1,710,815.00	1906	2,123,047.72
1892	1,656,925.00	1907	3,091,094.17
1893	1,604,045.00	1908	3,092,333.72
1894	1,557,445.00	1909	3,538,852.72
1895	1,563,918.76	1910	3,613,861.67
1896	1,574,458.76	1911	4,116,081.41
1897	1,642,558.76	1912	3,988,516.41
1898	1,695,308.76	1913	3,638,047.41
1899	1,752,208.76	1914	3,730,642.66
1900	1,714,533.76		

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 597.

FEDERAL TRADE COMMISSION.

JUNE 18, 1914.—Ordered to be printed.

Mr. NEWLANDS, from the Committee on Interstate Commerce, submitted the following

REPORT.

[To accompany H. R. 15613.]

The Senate Committee on Interstate Commerce, to which was referred H. R. 15613, a bill to create an interstate trade commission, etc., passed by the House of Representatives on the 5th day of June, 1914, reports as a substitute therefor Senate bill No. 4160, reported favorably to the Senate on the 5th day of June (calendar day, June 6), 1914, to which latter bill have been added provisions regarding unfair competition and the investigation of foreign trade practices.

The substituted bill is as follows:

[Senate substitute for H. R. 15613.]

Be it enacted, etc., That a commission is hereby created and established, to be known as the Federal Trade Commission, composed of five members, not more than three of whom shall be members of the same political party, and the said Federal Trade Commission is referred to hereinafter as "the commission."

The words defined in this section shall have the following meaning when found in this act, to wit:

"Commerce" means such commerce as Congress has the power to regulate under the Constitution.

The term "corporation" or "corporations" shall include joint-stock associations and all other associations having shares of capital or capital stock, organized to carry on business for profit.

"Antitrust acts" means the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety; also sections seventy-three to seventy-seven, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August twenty-seventh, eighteen hundred and ninety-four; and also the act entitled "An act to amend sections seventy-three and seventy-six of the act of August twenty-seventh, eighteen hundred and ninety-four, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February twelfth, nineteen hundred and thirteen.

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ORGANIZATION.

SEC. 2. Upon the organization of the commission, the Bureau of Corporations, and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist, and the employees of said bureau shall become employees of the commission in such capacity as it may designate. The commission shall take over all the records, furniture, and equipment of said bureau. All work and proceedings pending before the bureau, may be continued by the commission free from the direction or control of the Secretary of Commerce. All appropriations heretofore made for the support and maintenance of the bureau and its work are hereby authorized to be expended by the commission for said purposes.

Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The commissioners shall be appointed by the President, by and with the advice and consent of the Senate. The terms of office of the commissioners shall be seven years each. The terms of those first appointed by the President shall date from the taking effect of this act, and shall be as follows:

One shall be appointed for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; and after said commissioners shall have been so first appointed all appointments, except to fill vacancies, shall be for terms of seven years each. The commission shall elect one of its members chairman for such period as it may determine. The commission shall elect a secretary and may elect an assistant secretary. Said secretary and assistant secretary shall hold their offices or connection with the commission at the pleasure of the commission. Each commissioner shall receive a salary of $10,000 per annum. The secretary of the commission shall receive a salary of $5,000 per annum. The assistant secretary shall receive a salary of $4,000 per annum. In case of a vacancy in the office of any commissioner during his term, an appointment shall be made by the President, by and with the advice and consent of the Senate, to fill such vacancy, for the unexpired term. The office of the commission shall be in the city of Washington, but the commission may at its pleasure meet and exercise all its powers at any other place, and may authorize one or more of its members to prosecute any investigation, and for the purposes thereof to exercise the powers herein given the commission.

The commission shall have such attorneys, accountants, experts, examiners, special agents, and other employees as may, from time to time, be appropriated for by Congress, and shall have authority to audit their bills and fix their compensation. With the exception of the secretary and assistant secretary and one clerk to each of the commissioners, and such attorneys and experts as may be employed, all employees of the commission shall be a part of the classified civil service. The commission shall also have the power to adopt a seal, which shall be judicially noticed, and to rent suitable rooms for the conduct of its work.

All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the commission.

The Auditor for the State and other departments shall receive and examine all accounts of expenditures of the commission.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

POWERS OF COMMISSION.

SEC. 3. The commission shall have power among others—

(a) To investigate from time to time, and as often as the commission may deem advisable, the organization, business, financial condition, conduct, practices, and management, of any corporation engaged in commerce, and its relation to other corporations and to individuals, associations, and partnerships.

(b) To require any corporation subject to the provisions of this act which the commission may designate to furnish to the commission from time to time information, statements, and records concerning its organization, business, financial condition, conduct, practices, management, and relation to other corpo-

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rations, or to individuals, associations, or partnerships, and to require the production for examination of all books, documents, correspondence, contracts, memoranda, or other papers relating to or in any way affecting the commerce in which such corporation under inquiry is engaged or concerning its relations to any individual, association, or partnership, and to make copies of the same.

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act, as the commission may designate, and to fix the time for the filing of such reports, and to require such reports, or any special report, to be made under oath, or otherwise in the discretion of the commission.

(d) To make public, in the discretion of the commission, any information obtained by it in the exercise of the powers, authority, and duties conferred upon it by this act, except so far as may be necessary to protect trade processes, names of customers, and such other matters as the commission may deem not to be of public importance, and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation.

(e) In any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts if the court finds for the complainant it may, upon its own motion or the motion of any party to such suit, refer the matter of the form of the decree to be entered to the commission as a master in chancery; whereupon the commission shall proceed in that capacity upon such notice to the parties and upon such hearing as the court may prescribe, and shall as speedily as practicable make report with its findings to the court, which report and findings having been made and filed shall be subject to the judicial procedure established for the consideration and disposition of a master's report and findings in equity cases.

(f) Wherever a restraining order or an interlocutory or final decree has heretofore been entered or shall hereafter be entered against any defendant or defendants in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon the application of the Attorney General, to make investigation of the manner in which the order or decree has been or is being carried out, and as to whether the same has been or is being violated, and what, if any, further order, decree, or relief is advisable. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation with such recommendations for further action as it may deem advisable and the report shall be made public in the discretion of the commission.

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

For the purpose of prosecuting any investigation or proceding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents or writings of any corporation being investigated or proceeded against.

(h) The commission is hereby directed to investigate, as expeditiously as may be, trade conditions in foreign countries where associations, combinations, or practices of buyers, dealers, or traders may injuriously affect the export trade of the United States, and also to investigate whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad, and to report to Congress thereon from time to time.

SEC. 4. The powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations as hereinbefore defined engaged in or affecting commerce, except banks and common carriers.

UNFAIR COMPETITION.

SEC. 5. That unfair competition in commerce is hereby declared unlawful.

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce, it shall issue and serve upon such corporation a written order, at least thirty days in advance of the time set therein for hearing, directing it to appear before the

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commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.

Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith, the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

SEC. 6. That if any corporation subject to this act shall fail to file any annual or special report, as provided in subdivision (b) of section three hereof, within the time fixed by the commission for filing the same, and such failure shall continue for thirty days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

PENALTIES.

SEC. 7. Any person who shall willfully destroy, alter, mutilate, or remove out of the jurisdiction of the United States or authorize, assist in, or be privy to the willful destruction, alteration, mutilation, or removal out of the jurisdiction of the United States of any book, letter, paper, or document containing an entry or memorandum relating to commerce, the production of which the commission may require under this act, or who shall willfully make any false entry relating to commerce in any book of accounts or record of any trade association, corporate combination, or corporation, subject to the provisions of this act, or who shall willfully make or furnish to said commission or to its agent any false statement, return, or record, knowing the same to be false in any material particular, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Any employee of the commission who divulges any fact or information which may come to his knowledge during the course of his employment by the commission, except in so far as it has been made public by the commission, or as he may be directed by the commission or by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

TESTIMONY AND IMMUNITY.

SEC. 8. The commission shall have and exercise the powers possessed by the Interstate Commerce Commission to subpœna and compel the attendance and testimony of witnesses and the production of evidence, and to administer oaths. All the powers, requirements, obligations, liabilities, and immunities imposed or conferred by the act to regulate commerce, as amended in relation to testimony before the Interstate Commerce Commission, shall apply to witnesses, testimony, and evidence before the commission.

SEC. 9. The district courts of the United States, upon the application of the commission alleging a failure by any corporation, or by any of its officers or employees, or by any witness, to comply with any order of the commission for the furnishing of information, shall have jurisdiction to issue such writs, orders, or other process as may be necessary to enforce any order of the commission and to punish the disobedience thereof.

SEC. 10. The several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all

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records, papers, and information in their possession relating to any trade association, corporate combination, or corporation, subject to any of the provisions of this act.

Amend the title so as to read: "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

THE TAFT ADMINISTRATION.

The Senate Committee on Interstate Commerce has had under consideration for many years the organization of a trade commission, with powers over trade analogous to those exercised by the Interstate Commerce Commission over transportation.

Under President Taft's administration, Senate resolution No. 98, Sixty-second Congress, first session, authorizing the Senate Committee on Interstate Commerce to report to the Senate what changes were necessary or desirable in the laws relating to the control of corporations, persons, or firms engaged in interstate commerce, was presented by Mr. Clapp, the chairman of the committee, and was adopted by the Senate on the 26th day of July, 1911. Under this resolution exhaustive hearings were held, during which 103 persons gave their views on every phase of suggested trust legislation, filling nearly 3,000 pages of hearings.

At the first hearing, on the 4th day of August, 1911, the Senate Committee on Interstate Commerce took up Senate bill 2941, introduced by Mr. Newlands, for the organization of a trade commission, and Mr. Newslands made a statement regarding it. The bill and statement appear in the appendix to this report, at pages 15 to 33.

Later on, as a result of the additional light shed upon this subject by the hearings, Mr. Newlands introduced in the Senate, on February 26, 1912, Senate bill 5485, Sixty-second Congress, second session, entitled "A bill to create an interstate trade commission." This bill was tentatively taken up by the committee and amended in many particulars, but the committee took no final action upon it. The bill as tentatively amended by the Senate Committee on Interstate Commerce (appendix, p. 39) was reintroduced by Mr. Newlands on the 12th day of April, 1913, as Senate bill 829.

THE CUMMINS REPORT.

The Senate committee, after long-continued hearings under Senate resolution 98, made a report, through Mr. Cummins, on the 26th day of February, 1913 (S. Rept. 1326, 62d Cong., 3d sess.), in which were included the additional views of Messrs. Pomerene, Tillman, Gore, Newlands, Crane, Brandegee, Oliver, and Lippitt.

The report of Mr. Cummins consisted mainly of a discussion of the decisions of the Supreme Court in the various trust cases, from the Knight case down to and including the Standard Oil and Tobacco cases; but it also took up the question of the desirability of legislation supplementary to the Sherman Act, and considered the question, among others, of a trade commission, declaring "that through the intervention of such a body of men the legislative policy with respect to combinations and monopolies could be vastly more effectual than through the courts alone, which in most cases will take no cognizance of violations of the law for months or years after the violations occurred, and when the difficulty of awarding reparation

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for the wrong is almost insurmountable"; and also, with reference to the disintegration of combinations and the reconstruction of the associated corporations upon lawful lines, "It can not be gainsaid that a commission, the members of which are in close touch with business affairs, and who are intimately acquainted with the commercial situation, might be extremely helpful in the required adjustment."

In the additional views of Mr. Newlands, appended to the Cummins report, Mr. Newlands declared himself in favor of the immediate organization of a trade commission and urged the passage of the trade-commission bill which he appended to his views. He quoted from previous utterances in the Senate, on January 11, 1911, as follows:

Mr. NEWLANDS. The railroad commission bill furnishes a model for the action of Congress upon matters involving minute and scientific investigation. Had we followed the same method regarding the trusts that we followed regarding railroads, we would have made much better progress in trust regulation. The antitrust act was passed 23 years ago, about the same time that the railroad commission was organized. The railroad question is practically settled; the settlement of the trust question has hardly been commenced. Had we submitted the administration of the antitrust act to an impartial quasi judicial tribunal similar to the Interstate Commerce Commission instead of to the Attorney General's Office, with its shifting officials, its varying policies, its lack of tradition, record, and precedent, we would by this time have made gratifying progress in the regulation and control of trusts, through the quasi judicial investigations of a competent commission and through legislation based upon its recommendations. As it is, with the evasive and shifting incumbency and administration of the Attorney General's Office, oftentimes purely political in character, we find that the trusts are more powerful to-day than when the antitrust act was passed, and that evils have grown up so interwoven with the general business of the country as to make men tremble at the consequence of their disruption.

No bill was reported under the Clapp resolution and no additional action was taken by the Senate, under President Taft's administration, regarding trust legislation.

PRESIDENT WILSON'S ADMINISTRATION.

Under President Wilson's administration, after the passage of the tariff and banking laws at the extra session, the question of trust legislation came up at the regular session commencing in December, 1913. President Wilson, assuming that the Judiciary Committee of the House and the Interstate Commerce Committee of the Senate had jurisdiction over the entire subject, conferred with the chairmen of these two committees, Mr. Clayton and Mr. Newlands, with reference to framing the tentative measures which would be submitted to the committees for consideration. Meanwhile the President delivered his message of January 20, 1914, regarding antitrust legislation, in which, after recommending legislation as to interlocking directorates, holding companies, and other matters, he took up the question of a trade commission, as follows:

The business of the country awaits also, has long awaited and has suffered because it could not obtain, further and more explicit legislative definition of the policy and meaning of the existing antitrust law. Nothing hampers business like uncertainty. Nothing daunts or discourages it like the necessity to take chances, to run the risk of falling under the condemnation of the law before it can make sure just what the law is. Surely we are sufficiently familiar with the actual processes and methods of monopoly and of the many hurtful

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restraints of trade to make definition possible, at any rate up to the limits of what experience has disclosed. These practices, being now abundantly disclosed, can be explicitly and item by item forbidden by statute in such terms as will practically eliminate uncertainty, the law itself and the penalty being made equally plain.

And the business men of the country desire something more than that the menace of legal process in these matters be made explicit and intelligible. They desire the advice, the definite guidance and information which can be supplied by an administrative body, an interstate trade commission.

The opinion of the country would instantly approve of such a commission. It would not wish to see it empowered to make terms with monopoly or in any sort to assume control of business, as if the Government made itself responsible. It demands such a commission only as an indispensable instrument of information and publicity, as a clearing house for the facts by which both the public mind and the managers of great business undertakings should be guided, and as an instrumentality for doing justice to business where the processes of the courts or the natural forces of correction outside the courts are inadequate to adjust the remedy to the wrong in a way that will meet all the equities and circumstances of the case.

Producing industries, for example, which have passed the point up to which combination may be consistent with the public interest and the freedom of trade, can not always be dissected into their component units as readily as railroad companies or similar organizations can be. Their dissolution by ordinary legal process may oftentimes involve financial consequences likely to overwhelm the security market and bring upon it breakdown and confusion. There ought to be an administrative commission capable of directing and shaping such corrective processes, not only in aid of the courts but also by independent suggestion, if necessary.

TENTATIVE BILLS.

Later on, as the result of an understanding between Mr. Clayton, chairman of the House Committee on the Judiciary, and Mr. Newlands, chairman of the Senate Committee on Interstate Commerce, a bill was introduced on the same day, by Mr. Clayton in the House and by Mr. Newlands in the Senate—H. R. 12120 and S. 4160.

With reference to this bill, Mr. Clayton caused to be published in the Congressional Record on the 22d day of January, 1914, the following press dispatch:

Representative Clayton this afternoon gave to the press the full text of the tentative bill as agreed upon by a subcommittee of the Judiciary Committee of the House (Messrs. Clayton, Carlin, and Floyd of Arkansas) and the majority members of the Senate Committee on Interstate Commerce, and said:

"The bill will be introduced at the same time by Reprsentative Clayton and Senator Newlands. The bill is modeled after the lines of what is commonly known as the Newlands bill, which was introduced in the Senate by Senator Newlands, and involves the fundamental idea that a trade commission shall be created, consisting of five members, with full inquisitorial powers into the operation and organization of all corporations engaged in interstate commerce, other than common carriers. It provides for a commission of five members, makes the Commissioner of Corporations chairman of the board, and transfers all the existing powers of that bureau to the commission. Its relation to the Attorney General's office and to the courts is advisory. Its principal and most important duty, besides conducting investigations, will be to aid the courts, when requested, in the formation of decrees of dissolution, and with this end in view it empowers the courts to refer any part of pending litigation to the commission, including the proposed decree, for information and advice."

Senator Newlands, being interviewed, said:

"The trade-commission bill and several other bills limiting the debatable ground of the Sherman Act have been the subject of laborious consideration by a subcommittee of the Judiciary Committee of the House (consisting of Mr. Clayton, chairman, and Messrs. Carlin and Floyd of Arkansas) during the holidays and before. The majority members of the Interstate Commerce Committee of the Senate have been brought into consultation with them of late.

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"The trade-commission bill preserves the essential features of the bill which I have been urging for some time, but contains amendments and additions of value and is, in my judgment, an improvement upon the bill as it was considered and improved by the Interstate Commerce Committee of the Senate during the last Congress. As a whole, I should say that the trade-commission bill ought to be satisfactory to members of all parties, for it is distinctively progressive, and we have endeavored to frame it in harmony with the President's views, presented in an admirable message, which has received the approval of the entire country, regardless of party. While these bills represent at present the best thought of the participants in the shaping of this legislation, they are presented simply as tentative measures, upon which the judgment of the proper committees of the House and Senate and of the country is invoked."

THE HOUSE BILL.

The House bill, H. R. 12120, introduced by Mr. Clayton, was not referred, however, to the Judiciary Committee, but to the Committee on Interstate and Foreign Commerce. The Senate bill, S. 4160, introduced by Mr. Newlands, was referred to the Interstate Commerce Committee of the Senate.

Later on a bill was introduced by Mr. Covington, of the House Committee on Interstate and Foreign Commerce (H. R. 15613) for the creation of an interstate trade commission, on the 13th day of April, 1914, covering in substance the same lines as the Clayton bill, but differing in detail and method. This bill was taken up for consideration by the House Committee on Interstate and Foreign Commerce, and after amendment by the committee was reported favorably and passed by the House on the 5th day of June, 1914.

THE SENATE BILL.

Meanwhile, however, the Senate Committee on Interstate Commerce had been considering Senate bill 4160, introduced by Mr. Newlands, and had, on the 5th day of June (calendar day June 6), 1914, after amending this measure, reported it favorably to the Senate. Later on the House bill, H. R. 15613, came over to the Senate and was referred to the Committee on Interstate Commerce.

The Senate committee reports the House bill with the recommendation that Senate bill 4160, as amended, be substituted for it, adding thereto amendments regarding the investigation of foreign trade practices and unfair competition.

AN ADMINISTRATIVE TRIBUNAL NEEDED.

Recent decisions of the Supreme Court make clear that all combinations in restraint of trade and monopolies are contrary to the law. All agree that while the Sherman law is the foundation stone of our policy on this question, additional legislation is necessary.

Experience in the execution of the law, however, as shown in the Standard Oil and American Tobacco decrees of dissolution, and in the frequent efforts of combinations to make voluntary adjustment with the Department of Justice, establishes that the question involved is administrative as well as legislative and judicial.

It is generally conceded that the peculiar character and importance of this question make it indispensable that some of the administrative functions should be lodged in a body specially competent to deal

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with them, by reason of information, experience, and careful study of the business and economic conditions of the industry affected. The knowledge of the law and the information as to the facts which are essential to prove that a combination is repugnant to the law are not likely to be entirely adequate for the determination of the best form of dissolution, and this has been recognized both by the Supreme Court and by the Department of Justice. Preliminary to the judicial determination of such questions as arise, for example, in the examination of proposals for a voluntary dissolution of a combination or in testing the lawfulness of existing business arrangements, a vast mass of information in numerous branches of industry, as well as expert knowledge, is indispensable. The proper enforcement of the Sherman law also requires vigilant supervision which is most effectively obtained by a body in continual touch with the business organizations in the various industries.

The value of such administrative oversight and control has been recognized in the banking and transportation business, and we have in the Comptroller of the Currency, the newly created Federal Reserve Board, and the Interstate Commerce Commission practical illustrations of the operation of such organizations and frequent examples of the beneficial effects of their activity. As the general realization of these facts is widespread and confined to no one particular party, the introduction of this bill for a trade commission simply responds to a general need.

THE BUREAU OF CORPORATIONS.

While the Bureau of Corporations, which was established by an act of February 14, 1903, provided in some measure for the needs now generally recognized and has been of great value and public benefit in describing in detail the conditions in particular industries, and the organization, operation, and conduct of particular companies, the field which has been covered has necessarily been restricted and its organization as a division of an executive department under a single head, reporting only to the President, has not given to it either the authority or prestige which attaches to an independent commission, such as the Interstate Commerce Commission. Yet the need of such a position is quite as necessary in the governmental supervision of industrial activities as of railroads.

The establishment of a trade commission at the same time that the Interstate Commerce Commission was established would have prevented the extraordinary development of monopolistic organizations in industry. If this commission had been in existence during this period, we would not now have to deal with such organizations as the United States Steel Corporation, the International Harvester Co., or the American Sugar Refining Co.; the American Tobacco Co. would never have been organized, and even the Standard Oil Co. would not have survived the dissolution of the original Standard Oil Trust in 1892. Such a commission would have at least kept within limited bounds the activities of a multitude of price-fixing associations in different branches of business, which, together with the great trusts, have been potent causes of the present high cost of living.

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OPPOSING THEORIES REGARDING A TRADE COMMISSION.

With the development of public sentiment on the subject of a trade commission, points of view have naturally changed with respect to particular provisions, and differences have also appeared with respect to the extent of the power to be lodged with such a commission. Some would found such a commission upon the theory that monopolistic industry is the ultimate result of economic evolution and that it should be so recognized and declared to be vested with a public interest and as such regulated by a commission. This contemplates even the regulation of prices. Others hold that private monopoly is intolerable, unscientific, and abnormal, but recognize that a commission is a necessary adjunct to the preservation of competition and to the practical enforcement of the law. The functions of such commissions would be as distinct and different as the ideas upon which they are founded.

The commission which is proposed by your committee in the bill submitted is founded upon the latter purpose and idea. It certainly would appear to be the part of wisdom in so important a situation to proceed carefully, and with that end in view the committee has aimed to provide a body which will have sufficient power ancillary to the Department of Justice to aid materially and practically in the enforcement of the Sherman law and to aid the business public as well, and, incidentally, to build up a comprehensive body of information for the use and advantage of the Government and the business world. Its subsequent recommendations to Congress will be fortified with actual knowledge of practical conditions, both from the point of view of business desirability and economic tendency, and will furnish to Congress an analysis of conditions that will give other and further legislation the certainty and security of foundation commensurate with the vast interests of the public and of the business world which are at stake. If conditions demonstrate and warrant, there will be a natural growth in the power of this body. At the same time the bill clothes it with sufficient power to be, we believe, of material assistance to the Department of Justice in the enforcement of the Sherman law, and of material aid to the business world in building up a body of precedent in the matter of business practices.

Proceeding now to a brief consideration of the principal provisions of the present bill and some of the more important considerations which have determined its form, it is necessary to consider the constitution of the commission; the corporations, etc., placed under its jurisdiction; the powers of inquiry, etc., of the commission, and other powers.

CONSTITUTION OF COMMISSION.

It is provided that the commission shall be composed of five commissioners with a regular term of seven years, but the terms are so arranged that the whole membership will not be subject to a complete change at any one time. The work of this commission will be of a most exacting and difficult character, demanding persons who have experience in the problems to be met—that is, a proper knowledge of both the public requirements and the practical affairs of industry. It is manifestly desirable that the terms of the commis-

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sioners shall be long enough to give them an opportunity to acquire the expertness in dealing with these special questions concerning industry that comes from experience. The terms of the commissioners should expire in different years, in order that such changes as may be made from time to time shall not leave the commission deprived of men of experience in such questions.

One of the chief advantages of the proposed commission over the Bureau of Corporations lies in the fact that it will have greater prestige and independence, and its decisions, coming from a board of several persons, will be more readily accepted as impartial and well considered. For this reason also it is essential that it should not be open to the suspicion of partisan direction, and this bill provides, therefore, that not more than three members of the commission shall belong to any one political party.

The salary proposed for each commissioner is $10,000 per annum, which is the same salary as is provided for the Interstate Commerce Commission, and $2,000 per annum less than that of the members of the Federal Reserve Board under the currency law recently enacted. It would seem desirable that the salaries of the two commissions should be made equal to those of the reserve board. It is of paramount importance that men of the first order of ability should be attracted to these positions, and that service on this body should not entail too great a sacrifice to those who would serve thereon. A commission of this kind requires an unusual combination of qualifications. It requires not only a conversant knowledge with finance and transportation, but also a very comprehensive knowledge of the practical economic and legal aspects of the whole field of industry of the country, and exceptional experience, training, and judgment.

The absorption of the Bureau of Corporations by the commission, already alluded to, is a matter of such obvious desirability that it does not require any extended discussion. The work done by that bureau has demonstrated the ability of its staff, while its 10 years' experience in work along this line will be of great value to the proposed commission.

POWERS OF INVESTIGATION AND REPORTS.

Specifically subject to the jurisdiction of this commission are all corporations, trade associations, and corporate combinations engaged in interstate and foreign commerce, excepting banks and common carriers.

The commission has power to investigate the organization, business, financial condition, conduct, practices, and management of any corporation subject to the act which it may designate, and its relation to other corporations and to individuals, associations, and partnerships, and in aid thereof to require the production of information, statements, and records and the examination of books, documents, correspondence, contracts, etc., affecting the commerce in which such corporation is engaged, and to require annual or special reports from such corporations or classes of corporations as the commission may designate. The commission may make public any information obtained by it except as to trade processes, names of customers, and other matters not deemed to be of public importance;

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and may also make annual and special reports to Congress, including recommendations for additional legislation.

It will be seen that while large powers of investigation are given, they are not greatly in excess of those possessed and for years exercised by the Bureau of Corporations. Reports are required only from such corporations or classes of corporations as may be designated by the commission. There are over 350,000 corporations in this country, of which perhaps a large proportion may be engaged in interstate trade, but it must be realized that the number affected by the proposed legislation will not exceed 1,000. The powers, of course, must be large, but the exercise of the powers will not be against law-abiding business, but against lawless business. It will be persuasive and corrective rather than punitive so far as well-intentioned business is concerned. Although the commission is given a wide discretion, experience has proved that governmental administrative bodies seldom abuse such authority. To attempt to make precise limits between what they may and what they may not do would often seriously hamper their successful administration. To almost every inquiry it might be possible to make specious objections which, while lacking any real merit, might effectually clog the conduct of the inquiry. The committee carefully considered the question as to whether it should limit the powers of the commission to the conduct of the large corporations, but it was deemed important that the commission should be able to get information from the small concerns as well as from the large ones, inasmuch as a corporation of small capital might be made the instrumentality of large monopolistic control.

POWER TO AID THE COURTS.

The commission is also authorized to aid the courts in the form of the decree to be entered in suits under the antitrust acts and to make investigation as to the manner in which such decrees are being carried out, as to whether they are being violated, and what, if any, further order, decree, or relief is advisable, reporting its findings on these subjects to the Attorney General. It is also authorized, if it believes from its inquiries that any corporation has violated any law of the United States regulating commerce, to report its findings and the evidence relating thereto to the Attorney General.

These powers, partly administrative and partly quasi judicial, are of great importance and will bring both to the Attorney General and to the court the aid of special expert experience and training in matters regarding which neither the Department of Justice nor the courts can be expected to be proficient.

With the exception of the Knight case, the Supreme Court has never failed to condemn and to break up any organization formed in violation of the Sherman law which has been brought to its attention; but the decrees of the court, while declaring the law satisfactorily as to the dissolution of the combinations, have apparently failed in many instances in their accomplishment simply because the courts and the Department of Justice have lacked the expert knowledge and experience necessary to be applied to the dissolution of the combinations and the reassembling of the divided elements in harmony with the spirit of the law.

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TRADE CONDITIONS ABROAD.

The commission is also authorized to investigate trade conditions in foreign countries injuriously affecting the export trade of the United States, as well as whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad.

UNFAIR COMPETITION.

One of the most important provisions of the bill is that which declares unfair competition in commerce to be unlawful, and empowers the commission to prevent corporations from using unfair methods of competition in commerce by orders issued after hearing, restraining, and prohibiting unfair methods of competition, which orders are enforceable in the courts.

The committee gave careful consideration to the question as to whether it would attempt to define the many and variable unfair practices which prevail in commerce and to forbid their continuance or whether it would, by a general declaration condemning unfair practices, leave it to the commission to determine what practices were unfair. It concluded that the latter course would be the better, for the reason, as stated by one of the representatives of the Illinois Manufacturers' Association, that there were too many unfair practices to define, and after writing 20 of them into the law it would be quite possible to invent others.

It may be stated that representatives of the National Implement and Vehicle Manufacturers' Association, the Ohio Manufacturers' Association, and the Illinois Manufacturers' Association approved the passage of a trade commission bill and a provision regarding the inquiry into and condemnation of unfair practices in trade.

It is believed that the term "unfair competition" has a legal significance which can be enforced by the commission and the courts, and that it is no more difficult to determine what is unfair competition than it is to determine what is a reasonable rate or what is an unjust discrimination. The committee was of the opinion that it would be better to put in a general provision condemning unfair competition than to attempt to define the numerous unfair practices, such as local price cutting, interlocking directorates, and holding companies intended to restrain substantial competition.

SUBPŒNA AND IMMUNITY.

In verifying the returns made by a corporation or in the conduct of such special investigations as the commission may deem necessary, it is indispensable that it should have extensive powers of inquiry, with the right to subpœna witnesses and to require the production of books and papers. The powers which, according to this bill, are granted to the commission, are practically the same as those now granted to the Interstate Commerce Commission or the Bureau of Corporations, while the same constitutional protection is given to witnesses who testify as to matters which might incriminate them.

The history of this legislation is given with particularity, so that Members of the Senate may have before them the gradual evolution

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of the measure and may consult the records referred to at any stage of the proceedings.

It demonstrates that legislation regarding the organization of a trade commission has been the subject of consideration in the Senate Committee on Interstate Commerce for over three years, and in two important committees of the House for a period of over six months, during which period exhaustive hearings were had.

The legislation proposed is in line with the constantly increasing popular sentiment, as is demonstrated by the recent poll of the Chamber of Commerce of the United States, which declared overwhelmingly for such action. No contention can be made that the work of Congress on this subject has been hasty or immature. It has not been in advance of public sentiment, but rather has lagged behind.

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APPENDIX.

HEARING BEFORE THE SENATE COMMITTEE ON INTERSTATE COMMERCE.

[Friday, August 4, 1911.]

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE COMMERCE,
Washington, D. C.

A TRADE COMMISSION—MR. NEWLANDS'S STATEMENT.

The committee met at 10 o'clock a. m. for the purpose of considering Senate bill No. 2941, Sixty-second Congress, second session, introduced by Mr. Newlands on the 5th day of July, 1911, entitled "A bill to create an interstate trade commission, to define its powers and duties, and for other purposes."

Present: Senators Clapp (chairman), Crane, Cummins, Brandegee, Oliver, Lippitt, Townsend, Newlands, Clarke, Watson, and Pomerene.

The CHAIRMAN. The secretary will read the authority under which the committee acts.

(The secretary read as follows:)

IN THE SENATE OF THE UNITED STATES,
July 26, 1911.

Resolved, That the Committee on Interstate Commerce is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce, and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce, and for this purpose they are authorized to sit during the sessions or recesses of Congress, at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Attest:

CHARLES G. BENNETT, *Secretary.*

The CHAIRMAN. You may proceed, Senator Newlands. What is the number of your original bill?

Mr. NEWLANDS. No. 2941, introduced July 5, 1911.

NOTE.—Since the date of this hearing Mr. Newlands withdrew the bill in its original form, and on August 21, 1911, introduced a substitute therefor, bearing

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the same number (S. 2941), with the same title and purpose. The said substitute bill is as follows:

[S. 2941, Sixty-second Congress, first session.]

A BILL To create an interstate trade commission, to define its powers and duties, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled, That this act shall be referred to and cited as the interstate trade commission act. Corporations a majority of whose voting securities is held or owned by any corporation subject to the terms of sections four or sixteen of this act are referred to herein as subsidiaries of such holding or owning corporation.

SEC. 2. That on and after day of , nineteen hundred and twelve, the Bureau of Corporations shall be separated from the Department of Commerce and Labor, and shall be thereafter known as the Interstate Trade Commission; and all of the powers, duties, and funds belonging or pertaining to the Bureau of Corporations shall thereafter belong and pertain to the Interstate Trade Commission. And all the officials and employees of said bureau shall be thereupon transferred to the Interstate Trade Commission. The said commission shall also have a secretary, a chief clerk, and such other and additional employees as shall be provided by law.

SEC. 3. That the Interstate Trade Commission shall consist of five members, of whom no more than three shall belong to the same political party. The Commissioner of Corporations holding the office on the said day of , nineteen hundred and twelve, shall be ex officio a member of the commission for the first two years of its existence, and shall also be chairman of the commission for the first year of its existence, and thereafter the chairman shall be selected annually by the commission from its membership; and the then Deputy Commissioner of Corporations shall be the secretary of the commission for the first year of its existence, and thereafter the secretary shall be selected by the commission; and after the organization of the commission the titles and offices of Commissioner of Corporations and Deputy Commissioner of Corporations, respectively, shall cease to exist. The remaining four members of the commission shall be appointed by the President, by and with the advice and consent of the Senate, and the terms of such commissiners so first appointed shall be four, six, eight, and ten years, respectively, and shall be so designated by the President in making such appointments; and thereafter all the commissioners shall hold office for the term of ten years, and shall be appointed by the President, by and with the advice and consent of the Senate. Each member of said commission shall receive a salary of ten thousand dollars a year. The secretary shall receive a salary of thousand dollars a year.

SEC. 4. That every corporation heretofore or hereafter organized within the United States or doing business therein whose annual gross receipts, inclusive of the annual gross receipts of its subsidiaries, if any, exceed five million dollars, and engaged in commerce among the several States or with foreign nations, excepting corporations subject to the act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, as amended, but including pipe-line companies, shall within four months after this act takes effect, or, if organized or otherwise becoming subject to this act subsequent to such taking effect hereof, then within two months after so becoming subject to this act furnish to the commission in writing statements showing such facts as to its organization, financial condition, and operations as may be prescribed by regulations to be made in pursuance of this act. Similar statements shall be made by its subsidiaries. Such statements shall be made as of such date as may be prescribed by such regulations and shall be verified under oath by such officers of such corporation as may be prescribed by the said regulations. Failure or neglect on the part of any corporation subject to this section to comply with the terms hereof within sixty days after written demand shall have been made upon such corporation by the commission, requiring such compliance, shall constitute a misdemeanor, and upon conviction such corporation shall be subject to a fine of not more than one thousand dollars for every day of such failure or neglect.

SEC. 5. That the said commission, upon finding that said statements comply with such regulations so far as applicable to such statements, shall enter such corporation for United States registration upon books to be kept by it for that purpose, and shall also record the statements so filed.

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SEC. 6. That all corporations so admitted to registration shall be known as "United States registered" companies, and shall have the sole and exclusive right to use, in connection with their corporate title, their securities, their operations, and by way of advertisement of their business, the title "United States registered," or any convenient abbreviation thereof, so long as such registration shall remain in force.

SEC. 7. That any person, corporation, or company willfully using or publishing such title of "United States registered," or any title or form of words or letters reasonably indicative thereof, in connection with the business or securities or name of any corporation, with intent to represent thereby that such corporation is at that time registered as provided in this act, shall, unless such corporation be at that time duly registered under the terms of this act, be guilty of a misdemeanor, and upon the conviction thereof shall be subject to a fine of not more than one thousand dollars, and each day of such use or publication shall constitute a separate offense.

SEC. 8. That all corporations subject to this act and their respective subsidiaries shall from time to time furnish to the commission such information, statements, and records of their organization, business, financial condition, conduct, and management, at such times, to such degree and extent, and in such form as may be prescribed by the said regulations to be made under this act, and shall at all reasonable times grant to the commission, or its duly authorized agent or agents, complete access to all their records, accounts, minutes, books, and papers, including the records of any of their executive or other committees.

SEC. 9. That the commission shall from time to time make public the information received under this act, in such form and to such extent as shall be prescribed by the said regulations: *Provided, however*, That said regulations shall so far as possible, distinguish between information which is purely private, and the publication of which can serve no public interest, and such information as is not so private and is of importance to the public.

SEC. 10. The said commission may at any time, upon complaint of any person, corporation, or body, or upon its own initiative, revoke and cancel the registration of any corporation registered under this act upon the ground of either violation of any operative judicial decree rendered under an act to protect trade and commerce against unlawful restraints and monopolies, approved July second, eighteen hundred and ninety, or under sections seventy-three to seventy-seven, inclusive, of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August twenty-seventh, eighteen hundred and ninety-four, or of the use of materially unfair or oppressive methods of competition, or of the accseptance of discriminations, rebates, and concessions from the lawful tariff rates of common carriers, or on the ground of refusal or neglect to allow the commission access to its records or papers as provided in section eight therof. The commission shall also carefully investigate the capitalization and assets of the corporations registered under this act, and after due consideration of the information so obtained and otherwise secured, and after allowing reasonable time for the readjustment of corporate organization and security issues in any given case or class of cases, may revoke the registration of any such corporation upon the ground of overcapitalization; that is to say, upon the ground that the par value of the total securities, including shares of stock and all obligations running for a term of years or more, of such corporation, issued and outstanding at any time clearly exceeds the true value of the property of the corporation at that time. In determining such true value the said commission shall consider the original cost of such property, its present replacement cost, its present market value, including the good will of the corporation's business and the market value of the said securities issued by the corporation, and the fair value of the services rendered in the organization of such corporation, but the said commission shall also, as far as possible, segregate and disallow from such determination all value attaching to such property or business due solely to monopolistic power (other than patent rights or other legal franchises, the true value of which shall be considered by the commission). The said commission in considering revocation of registration under this section shall give such notice and have power to take such evidence and hold such hearings as may be prescribed by the regulations issued under this act: *Provided*, That if any subsidiary of a corporation so registered shall be guilty of conduct hereinbefore specified in this section as ground for cancellation of registration, such conduct on the part of such sub-

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sidiary shall be ground for canceling the registration of the corporation to which it is so subsidiary.

SEC. 11. That in case of revocation of the registration of any corporation the commission may also order that such corporation thereafter shall not engage in interstate commerce. For every day's continuance in such commerce contrary to such order such corporation shall be subject to a fine of not more than one thousand dollars. The district courts of the United States, upon the application of said commission, alleging a failure to comply with such order of the commission, or alleging a failure to comply with or a violation of any of the provisions of this act, by any corporation subject thereto, shall have jurisdiction to issue a writ or writs of mandamus or injunction, or other order enforcing such order of the commission or commanding such corporation to comply with the provisions of this act.

SEC. 12. That the said commission may at any time, upon application by a corporation whose registration has been previously canceled, reinstate said corporation for registration and grant it registration anew: *Provided*, That the said commission is satisfied that the cause or causes for which registration was revoked no longer exist and that the commission shall find that all the requirements for registration as set forth in section four shall have been complied with anew as of the date of the new application for registration.

SEC. 13. That the said commission may at any time, if in the opinion of the commission public necessity requires such action, order and require any corporation engaged in commerce among the several States or with foreign nations, except corporations subject to the act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, as amended, but including pipe-line companies, to make such statements and give such information as is prescribed in sections four and eight of this act, which information shall be published in accordance with the provisions of section nine hereof. The commission may also obtain from any such corporation, through the powers granted in section fourteen hereof, such information as shall enable said commission to determine whether such corporation is subject to the terms of this act. The decisions of the said commission made under the powers conferred upon it in this act shall be final except as to matters involving the taking of private property without due process of law and involving the extent and character of the said powers so conferred herein: *Provided, however*, That an appeal may be taken in equity to any district court of the United States from any order or decision of the said commission made under section eleven of this act.

SEC. 14. That in order to accomplish the purposes declared in sections eight and thirteen of this act the said commission shall have and exercise the same power and authority in respect to corporations subject to this act as is conferred on the Interstate Commerce Commission in said act to regulate commerce and the amendments thereto in respect to common carriers, so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said act to regulate commerce and by an act in relation to testimony before the Interstate Commerce Commission, and so forth, approved February eleventh, eighteen hundred and ninety-three, supplementary to said act to regulate commerce, and the act defining immunity, approved June thirtieth, nineteen hundred and six, shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by sections eight and thirteen hereof.

SEC. 15. That the said commission shall, or or before the day of in each year, make a report, which shall be transmitted to Congress. This report shall contain such information and data collected by the commission as it may deem of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 16. That any corporation engaged in commerce among the several States or with foreign nations the amount of whose gross annual receipts, inclusive of those of its subsidiaries, shall be less than five million dollars and more than one million dollars may also, by complying and continuing to comply with the terms of sections four, eight, and nine hereof, acquire and maintain United States registration as provided in sections five and six, subject to the provision for cancellation thereof prescribed in section ten; and the information furnished by such corporation shall be subject to the provisions of section nine.

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SEC. 17. That the said commission shall have power to make any and all regulations necessary and proper to carry out the purposes of this act, and at any time to alter, amend, or repeal the same or any part thereof.

SEC. 18. That any person willfully making or furnishing to said commission any statement, return, or record required by this act, when knowing such statement, return, or record to be false in any material particular, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Mr. NEWLANDS. Gentlemen of the committee, for some years I have been giving consideration to this particular question and have frequently expressed the conviction that it was imperatively necessary to create an administrative tribunal vested with the powers of investigation, publicity, correction, and recommendation in the case of large industrial corporations similar to those exercised by the Interstate Commerce Commission over railroads. On several occasions I have spoken upon this subject on the floor of the Senate; particularly just before the decision in the Standard Oil case was rendered. (The decisions in the Standard Oil and American Tobacco Co. cases were handed down May 15 and May 29, 1911, respectively.)

In a speech in the Senate on January 11, 1911, upon the Tariff Commission I outlined my views as to an Interstate Trade Commission. With the permission of the committee, I will insert these remarks in the printed hearing. (See Mr. Newlands's views in Cummins's report, appendix, p. 35.)

After the call of the extra session, but before its convening, I wrote to the Hon. Champ Clark, who was destined to be the Speaker of the House of Representatives at the extra session, a letter, which appears in the Senate proceedings (Congressional Record) of May 15, 1911, and in which I outlined a legislative program for the extra session.

The purpose of the program and the necessity for thorough legislation upon the question of interstate transportation, or the railroads; interstate trade, or the trusts; and interstate exchange, or banking—all of them interrelated as parts of interstate commerce—were referred to in this letter; but I will insert in the record simply that part which is relevant to this present discussion and to interstate trade:

UNITED STATES SENATE,
Washington, D. C., March 15, 1911.

Hon. CHAMP CLARK,
House of Representatives, Washington, D. C.

MY DEAR MR. CLARK: The extra session is now approaching; the House is Democratic, the Senate and the Executive department are Republican. Under this condition of divided responsibility the question arises as to what policy the Democratic Party shall pursue. It has already been practically determined that the House will take up, in addition to the reciprocity treaty, the tariff; and the question is whether it will take up other matters of reform and constructive legislation, and, with a view thereto, select the committees necessary to the consideration of such measures. The Senate will probably follow the lead of the House in this particular.

I hope, therefore, that it will not be regarded as intrusive if I, in common with other Democrats venture a few suggestions on this score, as the question is of the highest importance to Democracy generally. * * *

INTERSTATE TRADE, OR THE TRUSTS.

The interstate-commerce act for the regulation of railroads and the antitrust act for the prohibition of trusts were passed about the same time. The administration of the former was given to a quasi judicial board; the administration of the latter was given to the Attorney General's Office. After about 23 years

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of operation, through a gradual process of evolution, the regulation of railroads engaged in interstate commerce has practically been accomplished. * * *

The administration of the antitrust act, on the contrary, has been lame and halting, changing with the shifting incumbents of the Attorney General's Office, and according to requirements of political exigencies. As a result, practically no progress has been made in the control of the trusts, and whilst a few suits have been prosecuted to a successful result and others are now in process of prosecution, there exist to-day over 800 trust organizations of enormous capitalization practically without regulation or control. Experience should teach us that with reference to interstate trade a commission or board should be organized similar to the Interstate Commerce Commission, with powers of investigation, of condemnation, and of recommendation, and with a view, whilst preserving the good arising from commercial combination, to curing the pernicious practices connected therewith. Such legislation should include among the powers of the commission the power, upon complaint or its own initiative, to inquire into the organizaton of all corporations engaged in interstate trade, and upon finding that any such organization is unlawful under the terms of the antitrust act, to call upon the Attorney General to prosecute the same.

The interstate trade commission should have a power similar to that of the Interstate Commerce Commission of appearing in litigation by its own counsel. * * *

Such legislation will be necessary whatever may be the action of the Supreme Court upon the pending cases. If such combinations are held to be legal, the regulation of their prices and practices becomes a public necessity; if they are held to be illegal, then there should be some law which, while permitting large capitalization and the ownership of many plants by a single corporation engaged in interstate trade, will protect the public from the abuses attendant upon such large capitalization and the oppression exercised by it. * * *

Sincerely, yours,

FRANCIS G. NEWLANDS.

During the extra session, on May 11, 1911, I presented in the Senate a program of legislation to be enacted or considered during the extra session. This program provided for nine questions upon which legislative action should be taken before adjournment, and for seven questions upon which the action of committees was desirable, with a view to early action during the next regular session.

Under this latter heading, namely, committee consideration, in the second subdivision, I suggested the consideration of legislation as follows:

(2) Providing, in connection with the Bureau of Corporations, for a board of interstate trade, with powers of examination, condemnation, and recommendation regarding interstate trade similar to those conferred upon the Interstate Commerce Commission regarding interstate transportation.

Later, on May 15, 1911, on the very day that the Standard Oil decision was being delivered in the Supreme Court, I spoke in the Senate upon the question of a legislative program for the extra session, and shall insert in the printed hearings an extract from this speech. The matter referred to is as follows: (See Appendix, p. 37.)

On May 16, after the Supreme Court had rendered its decision in the Standard Oil case, I continued my remarks of the day previous. Addressing myself to the decision of the court, I urged still further the necessity for organizing an administrative tribunal for the regulation of corporations engaged in interstate trade. I shall quote quite freely from this speech, as it contains quotations from the President, and his opinion that to leave the courts to say what is a reasonable restraint of trade, what is a reasonable suppression of competition, what is a reasonable monopoly, would be "to thrust upon the courts a burden that they have no precedents to enable them to carry, and to

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give them a power approaching the arbitrary, the abuse of which might involve our judicial system in disaster."

I concur emphatically in this view that the courts are not the proper medium for exercising such a function. Because, therefore, we have clearly reached a point where some branch of the Government must do this sort of work, and because, as the President correctly states, the courts are not the proper place for it, I am advocating the establishment, as in this interstate trade commission bill, of an administrative agency that can perform this duty.

Again, in a speech upon the subject of a self-governing Senate, delivered in the Senate on June 22, 1911, in alluding to the program of legislation which I had been urging, I spoke regarding a board of interstate trade, and shall insert an excerpt in the record. (See appendix, p. 38.)

Later I drew up this bill and introduced the original on the 5th day of July, 1911. During the time I had this bill under consideration I discussed the matter with various persons whom I regarded as experts, particularly with members of the Interstate Commerce Commission, the Attorney General, the Commissioner of Corporations, the Solicitor General, and lawyers who were engaged in the trust prosecutions. I have also talked with men connected with these industrial corporations and with eminent economists, and I have found everywhere a general acquiescence in the view that something in the way of supplemental legislation was required.

It will be impossible to administer this great and necessary system of regulation through the courts. We all know that just as soon as these corporations are reorganized under these decisions they will, for a time at least, take the form of a large number of corporations, limited either in the character of the commodity with which they deal or in the area over which they operate. The management of these corporations is generally satisfactory to the stockholders; they have confidence in the existing management, and in the great financial interests and institutions that usually control that management. These stockholders will, by their proxies, practically give to those controlling interests their votes on anything they desire. So that we will eventually have, in these industrial corporations, just as we have with railroads, the practical control of all these subdivided corporations in the hands of a few great financial institutions or groups in New York, and they will dictate the membership of the boards and the general policy of all these corporations. There will be an effective unity of policy, and it will take such a form as to defeat the law officers in reaching it as a combination in restraint of trade. A mere nod, a mere suggestion, will accomplish what is desired.

The question is, Shall we wait until the courts shall go through their slow processes in the existing cases and re-create and reorganize these corporations and others against which undecided suits are now pending, and also in the numerous suits that will be brought? Or shall we organize an administrative tribunal which, vested with the powers of investigation, publicity, and correction, will, by continuous supervision, prevent the growth of these abuses which the courts are now called upon sporadically and intermittently to correct by their slow processes?

Certain fundamental considerations are thus raised, which I will present seriatim.

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(1) The first question is: Shall an interstate trade commission of some kind be organized? I imagine that there can hardly be any difference of opinion on the point that there should be an administrative tribunal of high character, nonpartisan, or, rather, bipartisan, and independent of any department of the Government. I assume also that there should be a commission rather than one executive official, because there are powers of judgment and powers of discretion to be exercised. The organization should be quasi judicial in character. We want traditions; we want a fixed policy; we want trained experts; we want precedents; we want a body of administrative law built up. This can not be well done by the single occupant of an office, subject to constant changes in its incumbency and subject to higher executive authority. Such work must be done by a board or commission of dignity, permanence, and ability, independent of executive authority, except in its selection, and independent in character.

Of course, in performing any purely executive work one man is preferable to a commission. If only powers of investigation and publicity are given, a single-headed organization, like the Bureau of Corporations, might be the best for the work; but if judgment and discretion are to be exercised, or if we have in contemplation the exercise of any corrective power hereafter, or if the broad ends above outlined are to be attained, it seems to me that a commission is required.

(2) The next question is, What shall be done with the Bureau of Corporations, with its 120 experts who are full of interest in their duties, who have had long training in just this sort of work, and who have shown their capacity to do good work? Shall that bureau be entirely done away with, or shall it be merged in this new organization? And then what shall become of the chief of that bureau and his deputy, both of whom have acquired a large experience and both of whom have the confidence of the country? The Bureau of Corporations would hardly be necessary, as a separate organization, if such a commission should be created. But shall we lose the momentum, the long experience, and trained personnel that this bureau has acquired?

To avoid this loss it is obviously desirable that we merge the Bureau of Corporations—as this bill does—with all its officials, funds, and powers, in this commission, and that we make, for the first two years, the Commissioner of Corporations one of the new commissioners, and make him, for the first year, the chairman of the commission, afterwards giving the power to the commission to select its own chairman. Thus the executive work as at present organized would go on without a break, and the difficulties usual to the period of early organization would be largely obviated. My idea, also, is to utilize the Deputy Commissioner of Corporations as the secretary of the commission.

(3) The term of office of the commissioners is to be 10 years. The salary is to be $10,000. I should favor a much larger salary than that, but I do not know whether Congress would look with favor upon it.

(4) The next question is, What shall be the test of the applicability of the act to corporations engaged in interstate trade? Shall it be size, as indicated, say, by its capital or its gross annual receipts,

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or shall it be the character of the business in which the corporations are engaged, namely, the production of certain great staple articles?

I have inquired with great particularity of the Commissioner of Corporations and of the Solicitor General regarding this, and they say that they think the best test would be, for the present, the gross receipts of the corporations. If this test, provided in the bill, were applied, the jurisdiction of the commission would be probably confined to between 300 and 500 corporations.

Both the Solicitor General and the Commissioner of Corporations have very carefully considered this question of a test based on the character of the production of the corporation, or of the commerce or commodity in which it deals, and they came to the conclusion that it would be very difficult to do that; that it would necessitate refinements and subrefinements with reference to the different articles.

One suggestion was made which I think would improve the bill, that all corporations whose gross receipts exceed $1,000,000 should make certain reports to be called for by the commission, which reports can be classified by the commission for the purpose of statistical information, and that these reports shall be given with a view largely to determining what are the corporations that have $5,000,000 of gross receipts; but that only the corporations that have $5,000,000 of gross receipts or above that shall be subject to the general provisions of the bill.

(5) The next question is: What shall be the powers of the commission? Shall they be confined to investigation, requirement of statements, publicity, and recommendation to the President and to Congress, or shall they go further?

I would deem it very beneficial even if we could get a bill that would go no further than that, because we would then have five men of high ability and character who would immediately start upon this as their life work—not the kind of work that we do, broken up by thousands of other considerations and by other duties, but whose specialty it would be to ascertain the facts and the abuses requiring correction, and to give publicity regarding them and then to make their recommendation to Congress.

(6) The next question is: Shall we provide the additional requirement of registration, granting to the commission the accompanying power of denying or canceling registration for certain prescribed offenses, or for violation of the regulations of the commission? And shall the punishment of a recalcitrant corporation be confined simply to a cancellation of registration?

I had a provision in the bill which I originally drew, that for disobeying the law or the regulations made in pursuance thereof a recalcitrant corporation could be prevented from engaging in interstate commerce. I am inclined to think that this is a rather extreme power and had better be left out for the present.

We must also consider as to the preciseness with which the grounds for denial or cancellation should be stated in the law and whether the commission shall have the power to make regulations, lack of compliance with which will result either in a denial of registration or a cancellation. Registration being compulsory, the denial of registration or the cancellation of registration would have simply a moral effect. The Solicitor General and the Commissioner of Corporations insist that that moral effect would be very great, though it involves

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no substantial right of property, but that all these corporations will be able to secure public confidence by securing the confidence of the commission itself.

Senator CUMMINS. You do not propose any rules. The thing would have simply a moral effect if the board or commission did not have the power to determine how the corporation should be organized and how it should carry on its business.

Senator NEWLANDS. That raises the next question. If you desire to provide for registration of corporations, how far will you wish to define the powers?

As the power to regulate interstate commerce is a legislative power, the fundamental law requires that an act turning over the administration of such power to a commission or board shall prescribe the rules or standards under which the power is to be exercised. Would this apply to a mere registration in which no substantial property right is involved? For instance, would it be necessary for the law to define what are "unfair or oppressive methods of competition," what constitutes "overcapitalization" or "improper financial organization"; or could these matters be left to the judgment and discretion of the commissioners without precise legal definition?

Senator CUMMINS. What do you say about that?

Senator NEWLANDS. I am inclined to think that any general phrase intended to give them such powers as will prevent excessive capitalization or unfair or oppressive methods of competition would be upheld by the courts, particularly with reference to the denial or cancellation of the mere privilege of registration, which affects no substantial property right.

Senator CUMMINS. Without taking up the question of the constitutional power of Congress to do the thing that is suggested here, you know that there is the widest difference among Members of the Senate with regard to what constitutes proper capitalization. We debated that at some length in the railroad bill, and we could not agree even upon the subject as limited to the railways.

Senator NEWLANDS. For that very reason, it seems to me, the suggestion of our chairman, Senator Clapp, is a very reasonable one, that we should confine our present exercise of legislation at this extra session to the appointment of an interstate trade commission and the merger in such commission of the Bureau of Corporations, such commission to have simply powers of publicity, inquest, and recommendation; particularly in view of the fact that the Bureau of Corporations is not a bureau of complete publicity at present. On the contrary, it is instructed by the law to withhold from the public facts ascertained by public officers, unless the President gives his assent to publication.

Senator CUMMINS. I agree with you regarding the weakness in the organization of the Bureau of Corporations. But publicity is of no value unless the facts that are discovered can be compared with some rule of conduct which the law has laid down for the government of the corporations. It is bringing the force of public opinion to bear upon corporations to induce them or compel them to obey the law, and if you have no law, publicity is of minor importance. The facts which must underlie all this legislation are perfectly well known—well known to every student of the subject or observer of the subject; that is, the facts that are necessary to declare the law or rule of

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conduct. A great many facts can be collected, as we have seen here all around, that are very curious and interesting, but they are not fundamental, they are not material, really, to the organization of the law. And it occurs to me—that is my view only—that your plan, while it leads in the right direction and we must have eventually, I think, some such tribunal, it would seem to me before we organize a commission we should be able to determine what kind of law it shall administer. You know the facts just as well now as you will then. You want to know just how every company is capitalized, how it is organized, and just how its business is done or has been done. These things are merely interesting as history; they are not essential to the conclusion that you want to reach as to how corporations should be organized and how they should conduct themselves.

Senator NEWLANDS. I agree with you as to that, that it is unnecessary in order to shape the law to have further investigation. We know to-day all the abuses that exist in corporate management. * * * But I will not pursue the question of immediate action further. I want to get through. I shall complete my statement in a very few minutes, and then I shall be very glad to take up this discussion with you, but I would like to get my statement in the record in a compact form as the basis for further hearings at the next session.

(7) In considering the powers which should be covered by this bill we shall have to take up the question as to whether the power to condemn unreasonable and extortionate prices should be included, and, if so, what should be the form of the rule or standard fixed. Shall it be analogous to that applied to the railroad companies, namely, that prices shall be reasonable and the same to all? And shall the power be given, as originally in the railroad act, to condemn only an unfair or unreasonable price, or, as was later done with the railroad act, shall the power now also include that of fixing a reasonable price? Personally, I am opposed to any attempt at present to fix prices.

(8) Next, shall the provisions regarding registration be simply persuasive or compulsory, and if compulsory as to the large corporations, shall permissive registration be granted to the smaller corporations? I incline to the view that it is better to make them compulsory, at least for the large corporations, in order to insure the effective operation of the system.

(9) Shall the commission, in case of revocation of registration, have power to order that the offending corporation shall not engage in interstate commerce? My own view is that such power should not at present be granted. Therefore I would not urge the retention of section 11, which gives the commission power, in case of revocation of registration, to forbid the offending corporation to engage in interstate commerce.

I do not think it advisable to overload the commission at this time, and yet we must bear in mind that our experience with the interstate-commerce act shows the great difficulty of adding needed amendments later on. We all know what obstructions needed amendments of the interstate-commerce act met with, and it took nearly 20 years to get that act into really workable shape.

The Commissioner of Corporations attaches great importance to registration, to the moral effect of refusing or canceling registration. He has since modified also his views somewhat as to the desirability

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of a commission, an idea which he at first opposed, and I think that he is now substantially in accord with this bill. The Solicitor General has expressed himself very emphatically in favor of legislation on these lines.

I shall append to my remarks quotations from a letter from Mr. Herbert Knox Smith, in response to a series of questions which I put to him and after he had consulted with the Solicitor General.

I have consulted the Secretary of Commerce and Labor. I have also consulted the Attorney General. Both the Secretary of Commerce and Labor and the Attorney General were strong advocates of a national incorporation act, believing that national incorporation should cover interstate commerce, and that the act itself should contain all the necessary restrictions upon these corporations as to capitalization, the area of their operations, etc.

Senator BRANDEGEE. I want to understand clearly whether in favoring a national incorporation act they meant to favor that and to pass what you propose.

Senator NEWLANDS. No. In my discussions with them I stated that, so far as I was individually concerned, I had tested the sentiment of Congress regarding a national incorporation act, and particularly the sentiment of my own party; that whilst I had advocated national incorporation with reference to great transportation companies whose functions are largely national, and with a view to taking away from such States as New Jersey the jurisdiction which they had usurped over interstate commerce in the organization of corporations national in scope, I was never able to make much headway with my own party, clinging, as it does, to the exercise of State functions and guarding against Federal encroachment. Therefore my argument was addressed to them, not in opposition to their view as to national incorporation, but as to the possibility of passing a national incorporation bill, and particularly in view of the present political status, the administration having drifted from one of powerful Republican control, a control entirely in sympathy with the broad exercise of national powers, to one of divided control. I think both of them, whilst they adhere to the view that a national incorporation act would be the best method, acquiesce in the view that at present it is difficult, if not impossible, to secure the passage of such a bill. I have heard no expression from Secretary Nagel as to whether, that being the situation, he would be willing to favor a bill for an administrative commission such as this is, but the Attorney General has expressed himself regarding it, and he has indicated a disposition even to go further. I will append quotations to this effect from his recent speech at Duluth.

Finally, I wish to point out one broad consideration. In the present status of our public policy as to the great corporate problem we have at least two leading and divergent schools of thought, two tendencies, each toward a different method of procedure. The one desires to maintain by governmental action if need be, the full competitive system and to rely chiefly on competition as the regulator of corporate business. The Sherman antitrust law strongly presents this principle.

The other school inclines rather—to state the extremes—toward freely allowing combinations, both present and future, applying

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thereto governmental supervision and direction as the prime regulator.

In my opinion it is too early to say which of these opposing tendencies should, or will, ultimately prevail.

Holding such a view, I am urging this bill, because the system it embodies is exactly adapted to the undeveloped situation I have just described. It is available for either tendency; it can be made to serve either principle; it will help to show which is the correct one; and it does not commit us permanently to either of these two main lines of action.

Its primary result will be to furnish both to Congress and to the public the accurate and broad information on corporate conditions that is necessary to determine the line of further advance. It neither legalizes nor forbids combination; it in no way affects the operation of the Sherman law; its work of publicity and supervision will tend strongly to promote fair competition and keep equally open to all the highways of commerce.

On the other hand, it takes the situation as it is; it recognizes that there is a large degree of combination already existing, and it makes that condition a subject for supervision, study, and report to Congress.

In short, it is a step upon which all can unite, as eminently fitted by its moderation and, indeed, by its own frankly tentative character to do what is imperatively needed for the present without prejudicing the future.

(The quotations from the address of Attorney General Wickersham, delivered at Duluth, Minn., July 19, 1911, above referred to, are as follows:)

The gradual interpretation of the act of July 2, 1890, resulting in the decisions and decrees rendered by the Supreme Court at its last term, has at last clearly demonstrated the effectiveness of that law to destroy existing combinations in restraint of interstate or international commerce and attempts to monopolize any part of it and to prevent renewed combination or monopolistic effort. * * *

But the question remains, can the great end and object of the Sherman law—namely, that the normal course of trade and commerce among the States shall not be impeded by undue restraints and monopolies—be realized through the operation of that law alone?

In dealing with transportation, Congress was not content to rely simply on the process of injunction to restrain and indictment to punish violations of the antitrust law. It also established an administrative commission clothed with powers—greatly enlarged from time to time—over those engaged in the transportation business. * * *

Within what limits is legislation to regulate corporations engaged in interstate commerce other than transportation expedient and practicable? Should the analogy of the interstate commerce law and commission be followed? * * *

That some further regulation over corporations carrying on commerce among the States may be necessary is a matter of current comment. * * *

The Federal Department of Justice is not organized or equipped to maintain constant supervision and control over business organizations. It deals only with cases of violation of law. The activities of an administrative board or commission would be directed to preventing such violations and in aiding business men to maintain a continued status of harmony with the requirements of law.

Moreover, unless Congress shall provide for the establishment of corporations drawing their life and powers only from the National Government and subject only to its control, or shall confer specific powers on State corporations which will enable them to carry on commerce away from the State of their creation without the interference of States into which they go, the present unsatisfactory condition of carrying on business in the different States by means of many different corporations owned or controlled through stock ownership by a parent

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company created by some one State will continue, and in the natural, normal, healthy, and legitimate growth of such business questions of the application of the Sherman law must arise which can not be properly settled with the district attorney or the Department of Justice, but which should be dealt with by an administrative body having appropriate jurisdiction.

(The letter from the Commissioner of Corporations, Mr. Herbert Knox Smith, above referred to, follows:)

Hon. FRANCIS G. NEWLANDS,
United States Senate, Washington.

DEAR SENATOR: Your letter of the 2d instant was received, raising certain questions on the bill for an interstate trade commission (S. 2941) introduced by you. * * *

Taking up your questions in order:

(1) "Shall an interstate trade commission be organized?"

If the work is to be simply that of investigation and publicity, my experience would indicate that an organizaton under a single head would be decidedly more efficient. For purely executive or administrative action such form of organization is preferable. If, however, judicial or semijudicial powers are to be exercised the commission form has important advantages; it is better adapted for judicial decision, its judicial rulings would probably carry more weight, and, in any event, it tends to secure stability, continuity of policy, and greater independence of action.

(2) "Shall the Bureau of Corporations be merged in the commission?"

If the interstate trade commission is to exercise substantially the powers now used by the Bureau of Corporations it seems almost necessary that the bureau should be merged in that commission, as the bureau would have little reason for further separate existence. There is also, however, the very important consideration that the bureau is very necessary to the commission; the bureau is the one unit in the Government service which can immediately supply the experience, trained force, knowledge, and traditions which the commisson must have for its work.

(3) "Shall the test of the applicability of the acts to corporations engaged in interstate trade be the annual gross receipts, or the character of the business in which the corporations are engaged—namely, the production of great staple articles?"

The question here is a debatable one, but experience with corporate business leads me to doubt the feasibility of a classification based on kinds of business or staple commodities. Such lines of demarcation are too vague. For example, certain companies deal wholly in the manufacture of lumber, others in its sale, others in the manufacture of goods primarily made out of other materials but having a certain proportion of lumber. Similarly with the steel industry and many others. It would be almost impossible to draw the line in many cases so as to say whether a corporation was engaged in a given industry or not. Many great wholesale houses sell a large amount of hardware. Would they be included, for example, as engaged in the steel industry?

(4) "Shall the power of the commission be confined to investigation and inquest, requirement of statements and publicity, and recommendation to the President and to Congress?"

"If not, shall the additional requirement of registration be made with the accompanying power of denying or canceling registration for certain prescribed offenses or for violation of the regulations of the commission; and shall the punishment of a recalcitrant corporation be confined simply to a cancellation of registration?"

Investigation, publicity, and recommendation should be in any event parts of the system. Personally, I favor strongly registration of corporation with power of cancellation. This gives a very practical means of control, which at the same time has the great advantage that it does not actually attempt the positive regulation of business. It allows credit for proper business conduct and imposes discredit for the reverse, but assumes no power of direction and simply leaves the public to apply corrective pressure through public opinion and the investment of the public's money.

Answering also the last part of the question, it is probably better for the present to provide cancellation of registration as the only penalty for improper business conduct. I feel entirely satisfied that such United States registration would shortly become a valuable business and financial privilege for any large

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corporation. The standing of the company with that public opinion that underlies legislative action and the financial status of its securities with the investing public would be affected in a very practical way by the possession or cancellation of such registry. The approval now granted to corporate transactions through existing State public-service commissions has already a very definite market effect on the price of securities and on the attitude of public opinion.

(5) "The preciseness with which the grounds for denial or cancellation should be stated in the law, and whether the commission shall have the power to make regulations, lack of compliance with which will result either in a denial or cancellation?"

The grounds of cancellation should be broadly stated, leaving the commission to apply in specific cases the general rules prescribed by Congress. If power of making regulations be conferred on the commission, it should be simply for such regulations as will carry out the terms of the act and make effective the rules laid down therein.

(6) "As the power to regulate interstate commerce is a legislative power, it has been held that the law turning over the administration of such power to a commission or board shall prescribe the rules or standards under which the power is to be exercised. Would this apply to a mere registration in which no substantial property right is involved?"

The question of whether the delegation of a power is constitutional depends wholly on the nature of the power. Legislative power, strictly speaking, can not be delegated, but executive power can, of course, be conferred by legislation, and there can also be given quite broad power of executive administration in ascertaining facts and applying to them the rule established by legislation. It seems probable that the powers granted in this bill come under the latter head and are constitutional.

An excellent case on the subject is Union Bridge Co. *v.* United States (204 U. S., 364), where the earlier cases are reviewed in detail. The case itself involved the question of whether an act of Congress granting to the Secretary of War power to order the removal of the bridge over a navigable stream "whenever the Secretary of War shall have reason to believe that any * * * bridge * * * over any of the navigable waters * * * is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise," was a delegation of legislative power.

The court held that this was not an objectionable delegation of power, and quoted, with approval from Lock's appeal (72 Pa. St., 491), as follows:

"The legislature can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend."

See also other cases cited in this decision.

An excellent legislative precedent is in the steamboat-inspection law, where, by section 4405, Revised Statutes, a board is given power to "establish all necessary regulations required to carry out in the most effective manner the provisions of this title." These regulations now cover over 100 pages.

In the same law, also, the inspectors are given broad power over the licenses of steamboat officers, as follows: "But such license shall be suspended or revoked upon satisfactory proof of bad conduct * * *," a power obviously closely analogous to the power of cancellation provided in your bill.

It should be noted also that the only power delegated is the mere revocation of registration. Registration is not a property right. It is simply a privilege granted through the commission and revocable by it.

Thus, as stated in paragraph 5 above, rules of action and grounds for cancellation of registration should be set forth in the bill itself, with sufficient definition to make clear the intention of Congress as to the class of acts to be covered thereby. For example, the word "overcapitalization" is perhaps sufficiently definite in itself, while "unfair or oppressive methods of competition" would perhaps be too indefinite.

(7) "In case the power to fix prices should be included," etc.

I would prefer not to discuss the form of such power, as I personally believe it unwise to confer any such power on the commission, and do not consider myself competent to treat the subject properly.

In considering any such treatment of our commercial problem as is attempted in this bill, it seems to me, at least, that the Government should not, at present, commit itself, by way of general policy, either to the theory of "unlimited competition" or of "unlimited combination." We are not, I feel, sufficiently advanced to justify us in taking a definite position in favor of either one of

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these opposing ideas. Any system we adopt now should be so framed as to be alike available for either development. To give the power to fix prices would tend to commit us to a policy of industrial combination.

(8) "Shall the provision regarding registration be simply persuasive, or compulsory; and if compulsory as to the large corporations, shall permissive registration be granted to the smaller corporations?"

I believe that the system would be entirely workable, if the publicity, etc., were simply permissive, and that some complications would thus be avoided. But a compulsory system for large corporations should also bring much the same results, especially if coupled with permissive registration for smaller concerns. The permissive feature for smaller companies seems decidedly desirable.

(9) "Shall the commission, in case of revocation of registration, have power to order that the offending corporation shall not engage in interstate commerce?"

This power is a peculiarly drastic one, and would require rather elaborate machinery for its enforcement. I doubt both the wisdom and the necessity here.

I take the liberty of adding some general considerations, which may be relevant to the discussion of such a system as is proposed by your bill. These views are based on an experience of eight years in the Bureau of Corporations.

(10) The one imperative change now required in our policy toward the "corporate problem," is a change from our present system of treating that problem through occasional prosecution, to a system which will treat it with continuous administrative action. We should advance from a negative policy to a positive constructive policy; from mere occasional prohibition to permanent regulation and prevention.

(11) One of the primary objects of the commission is the providing of proper publicity. This should not be combined with the administration of the Sherman law. It is probably true that efficient publicity is inconsistent with prosecution, at least as administered by the same office. The Bureau of Corporations, the present agent of corporate publicity, secures now at least nine-tenths of its information by voluntary cooperation. The interstate trade commission would continue this work, but should the function of prosecution under the Sherman law be combined with publicity, it is obvious that the present voluntary cooperation of corporations, the main source of information, will very largely be destroyed.

There are of course exceptions to this general principle. At times it would be necessary for the information obtained by the commission and indicating a clear and flagrant violation of law to be turned over to the Department of Justice. The Bureau of Corporations has in this manner given much assistance to the Department of Justice. The numerous prosecutions of the Standard Oil Co. since 1906 for railway rate discriminations were all based on the report of that bureau, and the agents of the bureau furnished much of the evidence and assisted largely in the preparation of the cases.

Similarly, in the recent prosecution of that company under the Sherman law, the case was instituted as a result of the investigations of the bureau, was largely prepared by its agents, and, I venture to say, would not have been successfully presented without their aid. Some of the ablest men in the bureau gave over a year of their time to this case.

But in general such connection with prosecution should be wholly incidental and secondary, and the publicity work of the commission should be directed primarily at furnishing reliable economic and financial information for the general public and not at securing evidence for prosecution.

(12) One of the most important features of such an administrative system of corporate regulation is its provision, as above referred to, for broad corporate publicity. The effects of such publicity have been well shown by the past work of the Bureau of Corporations, as set forth in the Annual Report of the Commissioner of Corporations for 1910.

The report of the bureau on the transportation of petroleum, published in May, 1906, effected a sweeping decrease in the granting of railway rebates throughout the country. Practically every railroad involved in the railway discriminations described in this report canceled the objectionable rates within six months after the issuance of the report.

The report of the bureau on cotton exchanges resulted within a few months in a marked improvement in the regulations of the New Orleans Cotton Exchange, and while the New York Cotton Exchange has not yet made any changes in its system, that exchange, on March 23, 1911, voted "that it is the sense of this meeting that since * * * the Department of Commerce and

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Labor has made an exhaustive investigation of the business methods of the cotton exchanges and has criticized the methods and by-laws of the New York Cotton Exchange * * * it will be good judgment on the part of this exchange to, * * * so far as possible, adopt the suggestions made by the Government."

In the tobacco industry the independent manufacturers have in many instances stated that the work of the bureau has caused the cessation of various objectionable methods of competition.

In the problem of waterways, the reports of the bureau, three in number, have very widely influenced public opinion by showing the real questions to be solved and the real advantages to be attained in waterway transportation.

A Federal administrative system of publicity and registration should develop both strength and elasticity. The administration of such a system should result in a definite and broadening policy, based on exact information, establishing definite standards of business action, of public economics, and of Government regulation, in themselves highly effective, and valuable also as the raw material for further statutory enactment.

We may fairly hope to get from it a gradual rise in the standard of business conduct, closer relationship between large business and public authorities, marked improvement in corporate accounting and in the standing of our industrial securities, and the elimination of unfair practice and business privilege. All of this without any disturbance of properly conducted business.

The time seems ripe for such action. It has been obvious since the Supreme Court decisions on the Standard Oil and Tobacco Co. cases that the public is ready and anxious for an advance to some such administrative system of regulation by the Federal Government. It seems to be true that corporate managers concede more and more the necessity for such regulation and publicity, recognizing both its public necessity and its advantage to fair business.

Very sincerely, yours,

HERBERT KNOX SMITH, *Commissioner.*

EXTRACTS FROM REPORT OF THE SENATE COMMITTEE ON INTERSTATE COMMERCE ON SENATE RESOLUTION NO. 98, FEBRUARY 26, 1913.

[S. Rept. 1326, 62d Cong., 3d sess.]

FROM MR. CUMMINS'S REPORT.

On the 26th day of July, 1911, the Senate adopted the foregoing resolution, and acting under the authority and in pursuance thereof the Committee on Interstate Commerce provided for open hearings upon the subject matter of the resolution. The hearings began on the 15th day of November, 1911, and were continued from day to day for more than three months, during which time 103 men appeared before the committee, and their statements, together with the exhibits and documents submitted by them, fill 2,799 printed pages. A printed copy of these statements, exhibits, and documents, including an index, laws and reference concerning industrial combinations in foreign countries, and a collection of judicial decisions touching the power of Congress in the regulation of commerce among the States, in all, five volumes, is herewith presented to the Senate.

While the committee is conscious that some of the matter adduced at the hearings and submitted as a part of this report is not relevant to the questions under consideration and of little worth, it believes that, upon the whole, the hearings have furnished one of the most valuable contributions that can be found in the literature of the subject. It is not yet ready to report any of the bills which are now before it, and which propose specific modifications of or additions to the existing statute; nor is it prepared at this time to report a substitute for them. It hopes that it may be able before the close of

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the present session to act finally upon these bills and recommend in definite form the legislation which it may think necessary or wise to meet modern business conditions. It is, however, prepared to answer the general inquiries propounded in the resolution, and in view of the overwhelming importance of the subject it ventures to add to the direct response some observations upon the origin, purpose, and effect of the enactment commonly known as the antitrust law, to indicate wherein it is inadequate, and to suggest the general scope of further regulation.

The committee is of the opinion:

First. That the statute should stand as the fundamental law upon the subject, and that any supplemental legislation for more effectual control and regulation of interstate and foreign commerce should be in harmony with the purpose of the existing statute.

Second. That whatever may be our views respecting the power of Congress to enact a general Federal incorporation law, it is neither necessary nor desirable at this time to provide for the organization under act of Congress of industrial corporations which propose to engage in commerce among the States and with foreign nations.

Third. That it is desirable to impose upon corporations now or hereafter organized under State law, and engaged or proposing to engage in such commerce, further conditions or regulations affecting both their organization and the conduct of their business, and also to impose further conditions or regulations upon persons, copartnerships, and other associations now engaged, or hereafter engaging, in such commerce, the general character of such regulation to be the same as those laid upon corporations, except such conditions or regulations as are in their very nature peculiar to the corporate form of commercial activity.

* * * * * * *

There are three general fields in which the commission could work to the great advantage both of the people for whose protection the law exists and the people against whom it is directed.

First. If the Bureau of Corporations were converted into an independent commission composed of trained, skillful men, and clothed with adequate authority, there could be gathered more complete and accurate knowledge of the organization, management, and practices of the corporations and associations engaged in national and international commerce than we now have. In saying this the committee does not mean to disparage the work of the Bureau of Corporations as hitherto carried on, but, valuable as the work has been, it is believed that a greater service could be rendered by a commission with a distinct organization with adequate appropriations and added authority. Moreover, it is clear that the constant inquiry into and investigation of interstate commerce in order to ascertain whether the law is being violated should be more closely connected with prosecutions for violations, when found to exist, than at the present time.

Second. When the conditions upon the fulfillment of which persons and corporations may engage in commerce among the States and with foreign nations are imposed, as the committee has heretofore recommended, there will be some of them upon which the Government must act with administrative promptness rather than with

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judicial deliberation and delay. For instance, suppose Congress were to declare, as the committee thinks it ought to declare, that no corporation should be permitted to engage in interstate or international commerce unless it be honestly capitalized, and that when anything but money is accepted for its stock that the value at which the property is so taken must be its fair, reasonable value. It seems clear that a corporation proposing to enter business should have an opportunity to come to some governmental tribunal and say, here is the property purposed to be taken for stock, and here is the price at which it is to be taken, and thereupon ask for approval or disapproval of the proposition. It would be most unjust in such a case to allow the corporation to go on for years and then be told that it must cease to do business because the value of the property was less than the par value of the stock issued for it.

And, again, suppose that 10 out of 20 manufacturing establishments heretofore in competition with each other desire to consolidate into one enterprise. There ought to be a way in which the men in such a venture could submit their plan to the Government and an inquiry made as to the legality of such a transaction, and if the Government was of the opinion that competitive conditions would not be substantially impaired there should be an approval, and in so far as the lawfulness of the exact thing proposed is concerned there should be a decision, and if favorable to the proposal there should be an end of that particular controversy for all time. Such results as these can be attained in no other way than through a commission which, though administrative in its character, would, in some instances, exercise quasi judicial functions. It is believed that through the intervention of such a body of men the legislative policy with respect to combinations and monopolies could be vastly more effectual than through the courts alone, which in most cases will take no cognizance of violations of the law for months or years after the violations occurred and when the difficulty of awarding reparation for the wrong is almost insurmountable.

The committee has not attempted to be comprehensive as to the usefulness of the commission in this field, and has made these suggestions only to indicate in the most general way the assistance that could be rendered in the enforcement of the law.

Third. One of the most serious problems in connection with suits brought under the antitrust act is to find the proper method of disintegrating combinations that have been adjudged unlawful. The dissolution of a corporation or a series of associated corporations must often involve the consideration of plans for reorganization in order that the property which has been unlawfully employed may thereafter be lawfully used in commerce. The courts are not fitted for the work of reconstruction, and whatever jurisdiction they now have, or that may hereafter be conferred upon them with respect to such matters, it can not be gainsaid that a commission, the members of which are in close touch with business affairs, and who are intimately acquainted with the commercial situation, might be extremely helpful in the required readjustment.

Respectfully submitted.

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ADDITIONAL VIEWS OF MR. POMERENE.

With the report in general I am in accord. But there is one feature of it about which I desire to be more explicit, and that is the paragraph discussing the certainty of the provisions of the Sherman law as applicable to certain cases and its uncertainty as applicable to others.

I approve the view that—

> There are many forms of combination and many practices in business which have been so unequivocally condemned by the Supreme Court that as to them and their like the statute is so clear that no person can be in any doubt respecting what is lawful and what is unlawful.

There are other forms of organization and acts which seriously interfere with competition, such as interlocking directories, watering of stock, selling of merchandise in one locality at a less price than in another, and other practices which are so contrary to sound business principles and good morals that they can and should be specifically controlled or prohibited by statute. As to these, in the interest of certainty, there should be other and further legislation. But, whatever may be the additional legislation, there will be many other contracts, combinations, and practices in "undue and unreasonable restraint of trade," which it is impossible for Congress to define by statute, because any attempt to so define them will, in practice, be found to exclude many other contracts, combinations, and practices which are equally inimical to the public good. As to these, we must always depend upon the sound wisdom and discretion of courts and juries for relief, just as in the past we have been obliged to trust to their judicial administration.

To illustrate: We know that legislatures and courts have constantly refused to define fraud because the multiplicity of acts and circumstances involved in human affairs make it impossible of definition.

The same may be said with equal truth as to what constitutes "undue or unreasonable restraint of trade."

It is said with a great deal of force that men are not always able to tell in advance whether certain acts are in "undue or unreasonable restraint of trade." But however difficult this may be, it is no reason why they should be left for decision to the selfishness of interested parties uncontrolled by judicial decision under the principles of the common law or under the broad provisions of the Sherman law.

In criminal cases it is often difficult to say in advance whether a given state of facts constitutes a reasonable doubt. But is that a reason why courts and juries should not attempt to say in a specific case whether there was, in fact, a reasonable doubt or not?

In negligence cases it is equally difficult to say whether a given state of facts constitutes contributory negligence on the part of the plaintiff or reasonable care on the part of the defendant. But can this be urged as a reason for not leaving special cases to the judgment of the court and jury?

In my judgment, what is "undue or unreasonable restraint of trade" must, in many cases if not in most cases, be left largely for judicial determination and sound judgment and good morals will be

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a sufficient guide for those who are actuated by a proper public spirit rather than by selfish motives.

While I believe there can be some additional legislation along the lines indicated, I am firmly of the opinion that the Sherman law is a clear and certain guide for reasonable men who desire to comply with the law and do not exert themselves to evade its provisions.

ATLEE POMERENE.

ADDITIONAL VIEWS OF MR. TILLMAN.

The undersigned is not now prepared to say that a new national commission should be established for the better administration of the antitrust law. He is inclined to believe that we have too many commissions now, composed largely of so-called "lame ducks," both Democrats and Republicans, who have been defeated at the polls and are given these places mainly as a compensation and means of support. He thinks Congress ought to perform its own functions rather than surrender them to commissions thus created by Executive appointment.

He does not assent to the particular language used on any point in the report of the committee, except where he has specifically so stated.

As the committee is not now ready to propose specific measures of legislation, he prefers to wait and to listen to the recommendations of the incoming President of the United States.

B. R. TILLMAN.

ADDITIONAL VIEWS OF MR. GORE.

I concur in the main body of the report and in the conclusions arrived at, except as to the specific recommendation looking to the establishment of a commission. Upon that recommendation I reserve my judgment for the present. I could not yield my assent to this proposition without first considering both the principles and details of any measure proposing such a commission. My ultimate assent would depend upon the constitution and character of the commission and upon the extent and limitation of its powers and purposes. It may be possible that a commission could with propriety be vested with power to pass upon the form of a proposed organization, but no commission should have authority to grant indulgences as to the methods, conduct, and operations of any such organization.

T. P. GORE.

Mr. Newlands confined himself entirely to the question of a trade commission bill, and included in his observations his original interstate trade commission bill as tentatively amended and approved by the Interstate Commerce Committee. His views are as follows:

ADDITIONAL VIEWS OF MR. NEWLANDS.

Whilst I agree with the general conclusion reached by Mr. Cummins in his report, I have not been able to study with sufficient care the decisions of the Supreme Court relating to the trusts to enable

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me to form an independent opinion as to his analysis of them. For years I have contended that if at the time the Sherman Act was passed (the date of its passage being almost contemporaneous with that of the interstate-commerce act regarding the railroads) we had organized an interstate trade commission similar to the Interstate Commerce Commission, and with somewhat similar powers of investigation and correction, we would have prevented or remedied many of the abuses which have since grown up, and that we would have gradually evolved a system of commercial law, through administrative process, as complete as that which has been built up regarding our system of transportation.

I presented my views relating to this matter at the first hearing of this committee regarding the control of corporations on the 4th day of August, 1911, and on the 16th of November, 1911 (hearings, pp. 1 to 26, inclusive). I then discussed a bill for the organization of an interstate trade commission (Senate bill No. 2941), which was introduced by me on the 5th of July, 1911, and a substitute bill of the same number, introduced by me August 21, 1911.

As a result of the additional light shed upon this subject by the hearings, I introduced in the Senate, on February 26, 1912, a bill (Senate bill 5485, 62d Cong., 2d sess.) entitled "A bill to create an Interstate Trade Commission," etc.

Later on, as a result of subsequent consideration, this bill has been amended, and I present it with the alterations as a tentative proposal for criticism and suggestion. The bill as amended is annexed hereto.

Whilst I believe that the Sherman Antitrust Act should not be altered, I believe that it should be supplemented by such legislation as is shown to be necessary by the experience of the time. Such variety of views exists as to what this supplementary legislation shall be that I do not believe early legislation on this line is practicable. But I do believe that all can agree upon an Interstate Trade Commission with powers of investigation and correction, and with the power to aid the courts in the administration of the Sherman Act and other supplementary legislation; and I believe that such a commission should be organized immediately, so that Congress can soon have the benefit of the recommendations which it will make as the result of its experience.

I shall not enter into any labored argument upon this question. I shall simply content myself with quoting from previous utterances in the Senate.

In the Senate, January 11, 1911:

Mr. NEWLANDS. * * * The railroad commission bill furnishes a model for the action of Congress upon matters involving minute and scientific investigation. Had we followed the same method regarding trusts that we followed regarding railroads, we would have made much better progress in trust regulation. The antitrust act was passed 21 years ago, about the same time that the railroad commission was organized. The railroad question is practically settled; the settlement of the trust question has hardly been commenced. Had we submitted the administration of the antitrust act to an impartial quasi judicial tribunal similar to the Interstate Commerce Commission instead of to the Attorney General's office, with its shifting officials, its varying policies, its lack of tradition, record, and precedent, we would by this time have made gratifying progress in the regulation and control of trusts, through the quasi judicial investigations of a competent commission and through legislation based upon its recommendations. As it is, with the evasive and shifting incumbency and administration of the Attorney General's office, oftentimes purely political

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in character, we find that the trusts are more powerful to-day than when the antitrust act was passed, and that evils have grown up so interwoven with the general business of the country as to make men tremble at the consequence of their disruption.

In the Senate, May 16, 1911:

Mr. NEWLANDS. Mr. President, whilst I was addressing the Senate yesterday upon the importance of taking up immediately certain questions upon which public opinion has been formed, and crystallizing them into legislation, I referred, among others, to the great questions of the combinations of capital called trusts which have assumed of late years so powerful and menacing an aspect. * * *

The Supreme Court yesterday acted upon this matter with reference to one of the great trusts in a decision which applies to them all, and, as the result probably of the inertia and the inaction of Congress, has taken upon itself what the dissenting member of that court, Mr. Justice Harlan, declared to be judicial legislation. and has written into the statute words which Congress never put there; and so to-day we have a decision upholding the antitrust act so far as it applies to unreasonable restraint of trade.

The question, therefore, presents itself to us whether we are to permit in the future the administration regarding these great combinations to drift practically into the hands of the courts and subject the question as to the reasonableness or unreasonableness of any restraint upon trade imposed by these corporations now existing and to be brought into existence in the future to the varying judgments of different courts upon the facts and the law, or whether we will organize, as the servant of Congress, an administrative tribunal similar to the Interstate Commerce Commission, with powers of recommendation, with powers of condemnation, with powers of correction similar to those enjoyed by the Interstate Commerce Commission over interstate transportation.

* * * * * * * * * * * What has been our experience regarding that branch of interstate commerce which covers transportation? Our experience has been that 20 years ago, just about the time the antitrust act was passed, Congress passed the interstate-commerce act, creating a commission as its servant to attend to its duties under rules prescribed by Congress. The regulation of interstate commerce belonged to Congress. Congress wisely saw that it could not undertake that regulation in all its details; that it could not pass rate bills which would be satisfactory to every section of the country; that it could not reduce rates that were claimed to be excessive and increase rates that were claimed to be too low; that it could not correct the varying abuses which creep into the administration of every great enterprise. Therefore it created this commission as its servant, to carry out its will under rules established by it.

The history of the last 23 years proves the wisdom of our action. By a gradual process of evolution this commission, as the result of gradual improvements in legislation and as the result of constantly increasing powers recommended by it and affirmed by Congress, has become a tribunal second in importance only to the Supreme Court of the land. It has made transportation a science. It has studied all the intricate questions relating to it, and in a recent illuminating decision has formulated a great state paper that has impressed the country and the world with its wisdom.

Now, contrast that action with other action taken by Congress regarding the trusts. It would have been possible 23 years ago, when the interstate-commerce act was passed, with reference to interstate trade, to have established an industrial or trade commission or board similar to the Interstate Commerce Commission with reference to transportation. If we had done so and had put upon that commission the same class of men who have been appointed upon the Interstate Commerce Commission, we would have had the constant corrective power of that commission applied both to the existing trade corporations and to the trade corporation afterwards created. Many abuses would have been prevented. Many abuses would have been corrected. As a result of the constant study and inquiry of a competent board engaged in this work as a specialization recommendations would have been made to Congress which would have been accepted, as were those recommendations made with reference to interstate transportation, and a great body of administrative law would have been built up and combinations of capital would have been effected without the abuses which have existed during the past 23 years. * * *

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In the Senate, June 22, 1911:

Mr. NEWLANDS. What is the second one which I suggested? I suggested legislation providing, in connection with the Bureau of Corporations, for a board of interstate trade, with powers of examination, correction, and recommendation with regard to interstate trade similar to those conferred upon the Interstate Commerce Commission regarding interstate transportation. This resolution was offered before the recent decision of the Supreme Court regarding the trusts, and I then declared that, whatever might be the decision of that court, the creation of such a commission was essential. Interstate trade is just as much a part of interstate commerce as interstate transportation. The abuses of interstate trade have become just as great as the abuses of interstate transportation in the past have been. Obviously the teachings of experience lead us to the organization of a commission or board similar to the Interstate Commerce Commission, with a view of taking hold of the great combinations of capital and making them obedient to the law, giving such a commission powers of examination, recommendation, and condemnation similar to those enjoyed by the Interstate Commerce Commission.

Since that decision the trust managers themselves have seen a great light, and in public examinations have stated that in their judgment the time has come for as complete regulation of corporations engaged in interstate trade as of corporations engaged in interstate transportation. Whether that regulation will ever extend so far as the regulation of the price itself is a matter to be determined in the future, for Congress will be called upon to decide how great these corporations shall be, what the extent of their capital shall be, what number of plants they shall own, and what shall be the extent of their operations. If they conclude to maintain the principle of competition, even though it leads to destruction, there will then, of course, be no necessity of regulating prices. But if they recognize the principle of helpful cooperation instead of destructive competition, then it will be necessary for them in extreme cases to face the question of the regulation of prices just as the prices of any public utility are regulated.

I do not venture to express an opinion now as to what course should be pursued with reference to this great question, but it is time that the Interstate Commerce Committee of the Senate were entering upon an inquiry of the most important question in economics that has engaged the attention of the country since the railroad question was first presented to it.

Quotation from Mr. Newlands's statement before the committee on the 15th day of November, 1911 (hearings, p. 25):

Senator NEWLANDS. Mr. Chairman, during the late extra session I introduced Senate bill 2941, for the creation of an interstate trade commission with powers over corporations engaged in interstate trade similar in many respects to those possessed by the Interstate Commerce Commission over interstate transportation. On the 4th of August, toward the close of the extra session, this committee, of which I am a member, gave me a hearing on the bill and I made a preliminary statement, explaining its terms and the conditions it was intended to meet. That statement, together with quotations from the President, the Attorney General, and the Commissioner of Corporations, has been printed as the first part of the hearings under the resolution introduced by the chairman.

The bill provides that all interstate corporations (except railroads) whose gross annual receipts exceed $5,000,000 shall make regular reports to the commission as to their business transactions, shall be subject at will to the examination of the commission, and shall, upon complying with such requirements, have the exclusive right to use the title "United States registered." The bill also provides that for violation of the Sherman law, improper capitalization, unfair methods of competition, acceptance of railway rebates, or other improper business transactions the commission may at will cancel such registration. It is recognized that the right of a cor-

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poration to publish the fact of such registration will shortly become a valuable financial privilege, and that the fear of cancellation of such right will be a strong restraining influence against improper transactions.

The bill provides a permanent administrative body of trained experts, who shall have as their sole specialty the supervision and registration of large corporations and supply accurate information thereon to the public, and shall make recommendations to Congress for any further legislation that may seem necessary.

I may later on have something further to say before this committee regarding this bill; but I wish to state at present that since the bill was introduced there has been a wide discussion throughout the country upon two divergent lines of thought, one insisting on absolutely free and unrestricted competition as the regulator of corporate business, and the other inclining toward allowing large combinations of capital and applying thereto Government supervision and direction as the prime regulator. It is difficult to say now which of these opposing tendencies should or will ultimately prevail. The bill which I have introduced is, in my judgment, adapted to this undeveloped situation. It will help us to determine which of these theories is the correct one; it will furnish to Congress and to the public the accurate and broad information on corporate conditions that is necessary to determine the line of further advance. It does not affect the operation or the enforcement of the Sherman law; its work of publicity and supervision will tend to promote fair competition and keep equally open to all the highways of commerce. On the other hand, it takes the situation as it is, recognizes that there is a large degree of combination already existing, and makes that condition a subject for supervision, study, and report to Congress. Its frankly tentative character and its moderation recommend it as a step upon which all can unite in doing what is imperatively needed for the present without prejudicing the future.

I trust that the committee will see the wisdom, without waiting for the end of this investigation, of recommending this tentative measure, which will be an aid in the final solution of all the pressing questions relating to trade corporations.

The following is the Interstate Trade Commission bill introduced by Mr. Newlands as tentatively amended by the Senate Committee on Interstate Commerce.

The committee took no final action upon it:

[S. 5485, Sixty-second Congress, second session.]

A BILL To create an Interstate Trade Commission, to define its powers and duties, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be referred to and cited as the Interstate Trade Commission act. Corporations a majority of whose voting securities is held or owned by any corporation subject to the terms of this act are referred to herein as subsidiaries of such holding or owning corporation.

SEC. 2. That there is hereby created a body to be known as the Interstate Trade Commission, which shall consist of three members of whom no more than two shall belong to the same political party. The commission shall be appointed by the President, by and with the advice and consent of the Senate, and the terms of such commissioners so first appointed shall be three, six, and nine years, respectively, and shall be so designated by the President in making

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such appointments; and thereafter all the commissioners shall hold office for the term of nine years, and shall be appointed by the President, by and with the advice and consent of the Senate. Vacancies shall be filled by like appointment and confirmation for the unexpired term. Each member of said commission shall receive a salary of $10,000 a year. The office of the commission shall be at Washington, in the District of Columbia, but the commission may hold meetings elsewhere when necessary and convenient.

SEC. 3. That the Bureau of Corporations is hereby transferred to and merged in said commission, and all of the powers, duties, records, papers, and funds belonging or pertaining to the Bureau of Corporations shall hereafter belong and pertain to the Interstate Trade Commission, and all the officers and employees of said bureau shall thereupon be officers and employees of the Interstate Trade Commission. The said commission shall also have a secretary, a chief clerk, and such clerks, inspectors, examiners, experts, messengers, and other assistants as from time to time may be necessary and as may be appropriated for by Congress.

SEC. 4. That all corporations engaged in commerce among the several States or with foreign nations, excepting common carriers, shall from time to time furnish to the commission such information, statement, and records of their organization, business, financial condition, conduct, and management and the organization, business, financial condition, conduct, and management of their subsidiaries at such time, to such degree and extent, and in such form as may be prescribed by the commission; and the commission at all reasonable times, or its duly authorized agent or agents, shall have complete access to all records, accounts, minutes, books, and papers of such corporations and their subsidiaries, including the records of any of their executive or other committees. Failure or neglect on the part of any corporation subject to this act, or of any of its subsidiaries, to comply with the terms of this section within such time after written demand shall have been made upon such corporation by the commission requiring such compliance, as shall be fixed by the commission, shall constitute a misdemeanor, and upon conviction such corporation shall be subject to a fine of not more than $1,000 for every day of such failure or neglect.

SEC. 5. The information so obtained shall be public records, and the commission shall from time to time make public such information in such form and to such extent as it may deem necessary.

SEC. 6. That the district courts of the United States, upon the application of the commission alleging a failure to comply with any order of the commission or alleging a failure to comply with or a violation of any of the provisions of this act by any corporation subject thereto, shall have jurisdiction to issue a writ or writs of mandamus or injunction or other order enforcing such order of the commission or commanding such corporation, its officers and employees, to comply with the provisions of this act.

SEC. 7. That for the purposes of this act the commission shall have the power to require by subpœna the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, documents, or other things of every kind and nature whatsoever relating to any matter under investigation by the commission. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and in case of disobedience to a subpœna the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation, or other person, to appear before said commission (and produce books, documents, and papers, if so ordered) and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. This claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying.

The testimony of any witness may be taken at the instance of a party in any proceeding or investigation pending before the commission by deposition at any time after the inquiry is instituted. The commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it at any stage of such proceeding or investigation. Such deposition

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may be taken before any person authorized so to do by the commission and who has power to administer oaths.

Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided. Such testimony shall be reduced to writing.

Witnesses whose testimony is taken under the provisions of this act shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

No person shall be excused from attending and testifying, or from producing books, papers, documents, or other things before this commission or in obedience to the subpœna of the commission whether such subpœna be signed or issued by one or more of the commissioners on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify under oath or produce evidence, documentary or otherwise, before said commission in obedience to a subpœna issued by it in a proceeding instituted upon its own initiative: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. The purpose of this provision is to give immunity only to natural persons who under oath testify in response to a subpœna of the commission in an inquiry instituted by the commission.

SEC. 8. That the said commission shall, on or before the first day of January in each year, make a report, which shall be transmitted to Congress. This report shall contain such information and data collected by the commission as it may deem of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 9. That any person willfully making or furnishing to said commission any statement, return, or record required by this act, when knowing such statement, return, or record to be false in any material particular, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 10. That in case a final decree shall be issued against any corporation under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety, or under sections seventy-three to seventy-seven, inclusive, of "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August twenty-seventh, eighteen hundred and ninety-four, the court entering such decree may, in its discretion, refer to the commission its decree, with instructions to take evidence, consider such facts, and report to the court the findings as to method of dissolution or reorganization as the commission shall consider best fitted to carry out such decree; if a reorganization takes place under a decree, the commission shall inform itself respecting the reorganization, and if it is of the opinion that it is not in harmony with the decree it shall, through counsel, inform the court for such action as the court may take.

SEC. 11. That the said commission may at any time, upon complaint of any person or corporation, or upon its own initiative, or upon the request of the Attorney General, or of the corporation affected, investigate any corporation subject to the provisions of this act for the purpose of determining whether such corporation has been guilty of a violation of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety, or under sections seventy-three to seventy-seven inclusive, of an "Act to reduce taxation," and so forth, which became a law August twenty-seventh, eighteen hundred and ninety-four, or of any of the provisions of this act, and may hold such hearings and take such evidence as it may deem necessary; and in case the commission shall find that such corporation has been guilty of a violation of the provisions of said acts or of this act it shall make a finding, stating the facts, and prescribing the acts, transactions, and readjustments necessary in order that said corporation may thereafter comply with the terms of said acts and of this act, and shall transmit a copy of the said finding in full to such corporation. If within sixty days after transmitting said finding, or such extension thereof as shall be given by the commission, the corporation shall not have complied with the terms of the

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finding, and shall not have performed the acts prescribed as necessary to make it comply with the said acts or with this act, the commission shall report the fact of noncompliance to the Attorney General, together with a copy of such finding, for his action under the said acts or of this act. But the commission may, if it deems it proper, report the facts to the Attorney General without calling upon such corporation for compliance with said acts or with this act.

Nothing contained in this act shall be construed to prevent or interfere with the Attorney General in enforcing the provisions of the act to protect commerce, and so forth, approved July second, eighteen hundred and ninety.

Messrs. Crane, Brandegee, Oliver, and Lippitt expressed themselves as follows:

MINORITY VIEWS.

The undersigned members of the Senate Committee on Interstate Commerce are unable to agree to the report of the majority of the committee on Senate resolution 98, as to "what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce."

While certain features of the report are commendable, there are several conclusions therein which do not accord with our views, and therefore we are prevented from approving the report as a whole.

W. M. Crane.
Frank B. Brandegee.
George T. Oliver.
Henry F. Lippitt.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 607.

AMENDING POSTAL AND CIVIL-SERVICE LAWS.

JUNE 23, 1914.—Ordered to be printed.

Mr. SMITH of Georgia, from the Committee on Post Offices and Post Roads, submitted the following

REPORT.

[To accompany S. 5861.]

The Senate Committee on Post Offices and Post Roads, to which was referred S. 5861, having considered the same, recommend that it pass with an amendment.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 608.

PUBLIC BUILDING, HONOLULU, HAWAII.

JUNE 23, 1914.—Ordered to be printed.

Mr. WARREN, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5295.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 5295) to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes, has considered the same and hereby reports it to the Senate favorably, recommending that it be passed with certain amendments, as follows:

On page 1, in line 6, before the word "May," insert "May thirtieth, nineteen hundred and eight (Thirty-fifth Statutes, page four hundred and ninety)."

On page 2, in line 14, after the comma following the word "title," insert "or to their successors in interest."

On page 2, in line 17, after the word "owners," insert a comma and the words "or by their successors in interest."

On page 2, in line 20, after the word "site," insert a comma and the words "or to their successors in interest."

On page 2, in line 25, after the word "site," insert a comma and the words "or such enlargement of the present site."

On page 3, in line 1, strike out the word "thereon" and the balance of that line, and strike out lines 2 to 9, inclusive, and insert in lieu thereof the following: "heretofore authorized: *Provided*, That the cost of the present site, including the enlargement thereof, or of such new site, and of said building shall not exceed the total of the limits of cost heretofore fixed, to wit, $1,325,000: *Provided further*, That all appropriations heretofore made toward the acquisition of the present site and the enlargement thereof and the construction of said building, together with the proceeds of such sale of the present site, are hereby made available toward the acquisition of such new site, or the enlargement of said present site, and the construction of said building upon either the new or the present site."

The pending measure was referred to the Treasury Department for report and was returned with a favorable indorsement, as will appear from the letter following of Hon. William G. McAdoo, Secretary.

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TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 30, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: This department has the honor to acknowledge the receipt of your letter of the 20th instant requesting a report on Senate bill 5295, to amend existing legislation relative to the new Federal building at Honolulu, Territory of Hawaii.

In reply, I have the honor to state that if this bill becomes a law an end will be made of the present involved state of the legislation respecting this site and building.

The representative of the former owners of the site heretofore acquired has visited Washington and assured the department that his principals are willing to accept a return of their former property and repay therefor the price the Government paid them. Assuming that they are also willing to undertake the repayment of the $35,000 contribution, referred to in this bill, then, under the contemplated law, the Secretary of the Treasury will be able to choose between the enlargement of the present site, which promises to be very expensive, and the acquisition of an entirely new site in a sufficiently convenient location, where ample area can be obtained for much less than such enlargement would cost. The department is informed that it is possible to obtain such a new and satisfactory location and has dispatched an agent to Honolulu to investigate and report fully what it is practicable to do and what would be the best course. The proposed new law would enable the department to act promptly without further legislation if it should be found, when said agent reports, that a change of site would be the most advantageous course.

It is suggested, in this connection, that the new law would be more practicable if changed to read as follows, beginning with line 25, page 2, thereof:

"The acquisition of such new site, or such enlargement of the present site, and for the erection and completion of the building heretofore authorized: *Provided*, That the cost of the present site, including the enlargement thereof, or of such new site and of said building shall not exceed the total of the limits of cost heretofore fixed, to-wit: $1,325,000: *Provided further*, That all appropriations heretofore made toward the acquisition of the present site and the enlargement thereof and the construction of said building, together with the proceeds of such sale of the present site, are hereby made available toward the acquisition of such new site, or the enlargement of said present site, and the construction of said building upon either the new or the present site."

Also the act of May 30, 1908 (35 Stats., 490), appropriating $30,000 on account of said building, should be added to the recitation in the bill of the legislation to be amended.

Respectfully,

W. G. MCADOO,
Secretary.

Since the above letter of April 30, 1914, was written the department's agent referred to, who was dispatched to Honolulu to "investigate and report fully what it is practicable to do and what would be the best course," has submitted his findings, in view of which the department has seen fit to confirm its report of April 30, 1914, as will be seen from the following letter of the honorable Acting Secretary, Mr. Hamlin, dated June 2, 1914:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 2, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: This department has the honor to refer to its report of April 30, 1914, upon Senate bill 5295, to amend existing legislation relative to the new Federal building at Honolulu, Territory of Hawaii, and to state that since the submission of said report the department's agent who was dispatched to Honolulu to investigate the existing situation has submitted his findings. In view of this last investigation this department desires to confirm its report of April 30 last, in effect approving said bill, subject to the proposed change of the language of a part of the proposed new law.

Respectfully,

C. S. HAMLIN,
Acting Secretary.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 615.

PATENTS FOR CERTAIN LANDS TO THE TOWN OF MYTON, UTAH.

JUNE 25, 1914.—Ordered to be printed.

Mr. SMOOT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5324.]

The Committee on Public Lands, to which was referred the bill (S. 5324) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah, having the same under consideration, beg leave to report it back to the Senate with the following amendment:

Page 1, line 10, after the word "station" insert the following: "the south half of the northwest quarter, section thirty, township three south, range one west, for cemetery purposes."

As thus amended the committee recommend that the bill do pass.

The bill was referred to the Department of the Interior, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, June 11, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: I am in receipt, for report, of S. 5324, a bill to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah, and in response I have the honor to advise you as follows:

Under the act of March 3, 1905 (33 Stat., 1069), the Uintah Indian Reservation was opened to entry under the homestead and town-site laws, the net proceeds of the sales of lands therein to be credited to the Indians of said reservation. Under said act the President, on July 31 and August 14, 1905, issued his proclamations (34 Stat., 3139 and 3143), reserving for the town site of Myton, Utah, lots 3, 4, 5, 6, 7, 8, the SW. ¼ NE. ¼, the S. ½ NW. ¼, the W. ½ SE. ¼, and the SW. ¼, sec. 25; and lots 1, 2, the SE. ¼ NE. ¼, and the E. ½ SE. ¼, sec. 26, T. 3 S., R. 2 W., and the SW. ¼ SW. ¼ (or lot 4), sec. 19; the NW. ¼ NW. ¼, sec. 29; and the N. ½ of sec. 30, T. 3 S., R. 1 W., Uintah special meridian. Lots 3, 4, 5. 6, 7, the SW. ¼ NE. ¼, and the S. ½ NW. ¼, sec. 25; lots 1, 2, the SE. ¼ NE. ¼, sec. 26, were subdivided into lots and blocks, the remainder of the land being reserved for future subdivision when the necessities of the town demanded the same. In such subdivision blocks 36 and 46 in the plat thereof were each desig-

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nated "School reserve." Nearly all of the lands so subdivided have been disposed of. January 25, 1908, this department set aside and reserved all that portion of unsubdivided block 1 of the town site lying west of the Duchesne River, for a public common. May 6, 1908, this department also reserved and set aside for public-park purposes all those portions of unsubdivided blocks 1, 3, 4, 5, 7, 8, 9, and 10, lying east and north of the Duchesne River, according to the plat of the town site approved by the Commissioner of the General Land Office on September 13, 1905. June 1, 1911, this department further set aside for cemetery purposes, for the use of said town, the S. ½ NW. ¼, in said sec. 30.

The bill proposes to authorize the Secretary of the Interior to issue patents for the lands reserved, as above stated, for commons, parks, and school purposes, but omitting the tract reserved for a cemetery site. It further authorizes the patenting of the SW. ¼ SW. ¼ (or lot 4) of said sec. 19 to the town to be used as the site of a pumping station, and the N. ½ NW. ¼ of said sec. 30 to be used as a reservoir site "and for other purposes incidental thereto in the distribution of water to the inhabitants of said town." In recommending the reservation for town-site purposes of the tracts proposed in the bill to be used as a pumping station and reservoir site, the Indian Office suggested that said tracts be reserved to the town for a pumping station.

Under an act similar to the one creating this town site, this department has held that there is no authority for setting aside any portion of such town site for public purposes, on the grounds that the acts creating such town sites only authorize the subdivision and sale of the lands for the benefit of the Indians.

I am of the opinion that the bill is a meritorious one, and that the legislation therein proposed should be enacted, and that the bill should also be amended to authorize the patenting of said S. ½ NW. ¼ of sec. 30 for cemetery purposes.

Respectfully,

A. A. JONES,
First Assistant Secretary.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 621.

APPROPRIATION OF THE WATERS OF THE RIO GRANDE RIVER, COLO.

JUNE 25, 1914.—Ordered to be printed.

Mr. THOMAS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. J. Res. 117.]

The Committee on Public Lands, to which was referred the resolution (S. J. Res. 117) to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado, having had the same under consideration, beg leave to report it back to the Senate with the following amendments:

Page 1 and page 2, strike out all of the preamble.

Page 2 and page 3 strike out all after the enacting clause and insert in lieu thereof the following:

That authority is hereby conferred upon the State of Colorado or any citizen or citizens directly interested, or both, to institute and prosecute an action at law or in equity against the Secretary of the Interior, or the Commissioner of the General Land Office, or both, to determine its right and the rights of its citizens to appropriate and apply to beneficial uses the waters of the Rio Grande River and its tributaries within its geographical boundaries. Such action may be instituted in the District Court of the United States within the State of Colorado and any judgment or decree therein shall be subject to review by writ of error or appeal as provided by law in other cases.

As thus amended the committee recommend that the resolution do pass.

The resolution was referred to the Interior Department, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, May 4, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: I am in receipt, by your reference for report, of S. J. Res. 117, which resolution is entitled "Joint resolution to determine the rights of the State of Colorado and of its citizens to the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado."

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The proposed resolution is in accord with my views as heretofore expressed in discussing the matter with the governor of Colorado and others interested, and I have no objection to suggest to its adoption if the preamble, consisting of six paragraphs, be eliminated. The said preamble contains assumptions of law and fact which, if not incorrect, are in dispute and should not, therefore, be included in the resolution. Before, however, this resolution is adopted I think it should be sent to the Attorney General for consideration and suggestion, because he will have to defend the Government in such proceedings.

Cordially, yours,

FRANKLIN K. LANE.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 624.

ARMY VETERINARY SERVICE.

JUNE 26, 1914.—Ordered to be printed.

Mr. LEA of Tennessee, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 4331.]

Your committee, to which was referred the bill (S. 4331) to consolidate the veterinary service, United States Army, and to increase its efficiency, report the same without amendment and with the recommendation that it be favorably reported to the Senate for passage.

The bill provides for 62 veterinarians, the number now in the service, and their commissioning, beginning with the grade of second lieutenant, upon the passage of an examination as to physical, mental, and professional qualifications. Promotion is made after five years' service to the grade of first lieutenant, and after 15 years' service to the grade of captain, upon the passage of a satisfactory examination. The bill also provides for commissioning the veterinarians now in the service according to the length of service upon passing a prescribed practical professional examination as to fitness for mounted field service.

A reserve corps similar to that of the Medical Department is provided for, from which appointments by commission are to be made to the veterinary service. Such reserve veterinarians must be graduates of a recognized veterinary college or university and have passed a prescribed examination.

The United States appears to be unique in the fact that we are the only one of the great powers which has not given rank and commission to the veterinarians in the Army, although we have heretofore provided for commissioned officers in the Dental Corps, to chaplains, and to paymasters.

With 22,522 horses and 10,897 mules in the Army and the cost of such animals increasing every year, there should be some one having authority to prescribe proper treatment to sick or diseased horses, or in cases of epidemic, and to prevent losses which are bound to ensue

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from such causes where there are not competent professional veterinarians in the Army. The better class of graduates of veterinary schools are not now attracted to service in the Army, where they do not have power to recommend treatment to animals and to know that such recommendations will be carried out. Veterinarians now in the service are nothing more than contract civilians and have no control of any sort over the animals they are expected to protect. They can not even direct a stable orderly to carry out their wishes in the care of animals.

The increase in cost of this service under the bill will approximate $31,000, due to increase in pay and for length of service.

Gen. Wotherspoon, Chief of Staff, appeared before the subcommittee to which the bill was referred and stated that the War Department and he himself were unequivocally in favor of the bill and recommended its passage.

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MINORITY VIEWS.

We regret that we can not join our colleagues on the committee in favorably reporting S. 4331 to consolidate the veterinary service in the Army. This bill is the product of 15 years of agitation carried on very largely by the American Veterinary Association having some 3,000 members scattered over the country. They originated it, they have advocated it, and they have pushed it because of the advantage it would bring to the veterinarians who become its beneficiaries.

It involves an increase in the cost of the veterinary service of about 37 per cent. It makes some increase in the number of men employed as veterinarians and inspectors, but it makes a much larger increase in pay and in ultimate cost to the Government by giving to some the rank of officers and by retirement with official rank. It is another step in the direction of loading down the military service with civilian attachments.

It is easy to argue that these changes work for efficiency in the Army. Perhaps they do to some extent, but we think the claim is largely exaggerated, and that the real motive is to get a permanent place on the Government pay roll.

If this bill passes we will have the spectacle of Army veterinarians retired at the age of 62, practicing their profession comfortably and enjoying the Government retired pay. There is a reason for retiring officers at a certain age and giving them retired pay because their military service has unfitted them for any practical walk in life, but in our opinion it is bad practice to take professional men and treat them in the same way. They do not need the benefits of retirement on pay any more than professional men in civil life need such assistance.

G. M. Hitchcock.
C. S. Thomas.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 629.

PUBLIC PARK AT DENVER, COLO.

JUNE 27, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5197.]

The Committee on Public Lands, to which was referred the bill (S. 5197) granting public lands to the city and county of Denver, in the State of Colorado, for public park purposes, having had the same under consideration, beg leave to report it back to the Senate with the following amendments:

Page 1, line 3, strike out the words "That there is hereby granted and conveyed" and insert in lieu thereof the following: "That the Secretary of the Interior is hereby authorized to sell and convey."

Page 3, line 14, strike out the words "northeast quarter of northeast quarter."

Page 3, lines 15 and 16, strike out the words "southwest quarter of southwest quarter."

Page 5, lines 8 and 9, strike out the words "one hundred and sixty" and insert in lieu thereof the following: "and forty-seven."

Page 5, line 16, strike out the words "the grant hereby made shall," and strike out all of lines 17, 18, and 19 and insert in lieu thereof the following: "there shall be excepted from the grant hereby made any lands which at the date of the approval of this act shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated."

As thus amended the committee recommend that the bill do pass.

The bill was referred to the Interior Department, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, May 14, 1914.

Hon. HENRY L. MYERS,
Chairman Public Lands Committee, United States Senate.

MY DEAR SENATOR: I am in receipt for report and recommendation of S. 5197, a bill proposing to grant certain lands to the city and county of Denver, Colo., for public park purposes.

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The land described in the bill embraces 7,126.30 acres located in various townships and distant from said city 8 to 24 miles. A portion of the land, aggregating 2,121.49 acres, is within the primary limits of the grant of the odd sections to the Union Pacific Railroad Co., the price of the even-numbered sections under existing law being $2.50 per acre. There are some patented and some pending mineral entries on the land. The NE. ¼ of NE. ¼ sec. 24 and the SW. ¼ of SW. ¼ sec. 25, T. 5 S., R. 71 W., containing 80 acres, has been paid for with agricultural college scrip and patented under the preemption law. The land in sec. 15, T. 5 S., R. 71 W., containing 600 acres, is within primary limits of the Union Pacific Railroad grant, and therefore the title thereto is in that company. I would therefore recommend that in lines 12 and 13 the words "quarter-section fifteen;" in line 14, the words "northeast quarter of northeast quarter, section twenty-four," in lines 15 and 16; and the words "southwest quarter of southwest quarter section twenty-five," in lines 17 and 18, be stricken out. Forty acres of the land are covered by a timber and stone sworn statement and 800 acres by homestead entries and applications, all of which are pending. The SE. ¼ of SE. ¼ sec. 4, T. 4 S., R. 71 W., is subject to the right of way of the Denver and Transcontinental Railway, and is also subject to the Colorado Central Power Co.'s transmission line approved under act of February 15, 1901 (31 Stat., 790).

The purpose appears to be to secure numerous tracts of land west of the city of Denver of scenic interest, to protect the timber thereon, and to beautify them for use as one of the scenic and attractive features of the city, to be reached by boulevard connecting the mountain district with the city.

It appears from maps and other exhibits herewith transmitted that the city has been to considerable expense in procuring title to some of the patented land, in building roads, and in perfecting its plans for the proposed improvements.

While the spots of scenic beauty within the region sought to be acquired appear from said exhibits to be numerous, they are not all contiguous. But I do not regard this fact as material, inasmuch as the object appears to be to preserve, improve, and utilize only those spots having such public interest.

Lines 18, 19, 20, 21, and 22, on page 5, read: "The grant hereby made shall not include any lands which at the date of the issuance of the patent shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States." I would suggest that these lines be amended to read as follows: "That there shall be excepted from the grant hereby made any lands which at the date of the approval of this act shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated."

Attention is called to the provision in the bill requiring payment by the city of $1.25 per acre for the land granted, while the purchase price under existing law of 2,121.49 acres is $2.50 per acre. I would therefore recommend that the words "at the rate of $1.25 per acre" in line 16 of page 5, be stricken, and that the following be inserted in lieu thereof: "at the Government price of $1.25 per acre or $2.50 per acre, as the case may be."

This department has no objection to the enactment of the measure into law.

Cordially, yours,

FRANKLIN K. LANE.

A supplemental report was also received from the Secretary of the Interior, which is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 24, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I am in receipt of a letter from Hon. C. S. Thomas dated June 23, 1914, relative to H. R. 15533, proposing to grant certain land to the city and county of Denver for puplic-park purposes, and my attention is called to my report on said bill dated May 14, 1914, wherein it is recommended that the price of that portion of the land mentioned in the bill, lying within the primary limits of the Union Pacific Railroad grant, be fixed at $2.50 instead of $1.25 per acre. The letter requests a supplemental report on the bill as to the advisability of fixing the price for said land at $1.25 per acre in view of its proposed use for public-park purposes.

In response I have the honor to advise you that my former recommendation was made in view of the existing law. However, inasmuch as the grant proposed by the

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bill is for a public purpose in which all of the inhabitants of said city and county are interested, I would interpose no objection to fixing the price for all of the land mentioned in the bill at $1.25 per acre, if Congress sees fit to do so.

Respectfully,

A. A. JONES,
First Assistant Secretary.

The bill was also submitted to the Agricultural Department, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF AGRICULTURE,
Washington, April 22, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

DEAR SIR: I wish to acknowledge receipt of a copy of the bill (S. 5197) "granting public lands to the city and county of Denver, in the State of Colorado, for public park purposes," with the request that this department submit a report thereon, together with such suggestions and recommendations as it may see fit to offer.

These lands are not within the boundaries of any national forest nor are they areas contemplated for any other use by this department. From the records in the office of the Forester, the lands seem to be unappropriated, unreserved public lands under the jurisdiction of the Department of the Interior. This department, therefore, has no objection to the passage of the bill, but would suggest that it be referred to the Secretary of the Interior for report.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

By chapter 115 of the laws of 1913 the State of Colorado authorized the city and county of Denver to acquire land outside of the limits of said city and county for parks and roads either by purchase or the exercise of the right of eminent domain.

By amendment to the city charter, known as the "mountain parks amendment," the voters of the city and county of Denver, by an overwhelming majority, provided for the accomplishment of the purpose by authorizing a levy of one-half mill per dollar each year for five years on the assessed valuation.

Under the supervision of the commissioner of property and the park commission eminent landscape architects were employed to work out plans and report same. Their plans and reports were made and adopted.

Several thousand acres of land have been purchased by the city from private individuals and private corporations, and many thousands of dollars have been spent and are now being spent for the improvement of old roads and building new roads connnecting the city and its chain of mountain parks. And many more thousand acres are to be acquired from private owners and from the State of Colorado, all to be used for public park purposes. About 200 miles of roads, old and new, are included in the project.

The city of Denver is building shelter houses, interior park roads, and improving natural springs in the areas heretofore acquired, and contemplates further work of like nature as rapidly as possible. The scenic attractions of the region are many and varied. The preservation of the natural scenery and making it easy to reach are commendable. The benefits to health and otherwise to people who may enjoy the scenery and excellent summer climate are inestimable.

The commercial value of the land is slight either for agriculture, mining, grazing or timber. The fact that it is so near a large city and has never been appropriated for entry under the land laws is

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strong evidence of this fact. The President has withdrawn the land from entry in aid of this legislation.

It is believed by the committee that no higher or better use of these lands could possibly be made than by allowing the city of Denver to take them at a nominal figure and use them for the health and pleasure of the citizens of that city and the public generally who may visit the city.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 630.

PIKE NATIONAL FOREST, COLORADO.

JUNE 27, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5198.]

The Committee on Public Lands, to which was referred the bill (S. 5198) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest, having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Page 1, lines 3 and 4, strike out the words "now belonging to the United States of America" and insert in lieu thereof the following: "In the State of Colorado."

Page 2, strike out all of line 13 down to and including line 22 and insert in lieu thereof the following:

In township four south, range seventy-two west, sixth principal meridian: Southeast quarter of northeast quarter, southeast quarter, south half of lots two and three, southwest quarter, including lots four, five, and six, section nineteen; south half of southwest quarter, section twenty; west half of southwest quarter, section twenty-nine; south half of southeast quarter, north half of lot one, all of lots two, three, and four, north half of lot five, south half of lot six, section thirty; south half of lot two, all of lot three, section thirty-one.

Page 4, in lines 16 and 17, strike out the words "four hundred and fifty-seven" and insert in lieu thereof the following: "six hundred and eighty."

Page 4, line 18, strike out the words "and withdrawn from entry" and insert in lieu thereof the following: "subject to all prior valid adverse rights."

As thus amended the committee recommend that the bill do pass.

The bill was referred to the Interior Department, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, May 14, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: In response to your request therefor, I have the honor to submit the following report on S. 5198.

The lands in Colorado proposed to be added thereby to the Pike National Forest adjoin such reservation, with the exception of a few small areas separated from but in close proximity to certain of the lands proposed to be reserved, and lie from 24 to

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33 miles southwest of Denver. The records of the General Land Office show that they were surveyed from 1869 to 1882 and are mountainous, having an average elevation of 8,000 feet, and were either well timbered or burned over when survey was made. The headwaters of Cub Creek are embraced in the areas described in Tps. 5 and 6 S., R. 71 W., sixth principal meridian; portions of the watersheds of Bear, Elk, and Clear Creeks in those in Tps. 5 and 6 S., R. 73 W.; and T. 4 S., R. 73 W.; and Squaw Mountain, with an elevation of 11,200 feet, is located in that described in T. 4 S., R. 72 W.

The land proposed to be reserved is shown by such records to be public with the exception of the SE. ¼ NE. ¼ and E. ½ SE. ¼ sec. 28, T. 5 S., R. 71 W, which is embraced in an unperfected homestead entry. In order that the reservation may take effect upon the land in the event that such entry is not consummated, and to protect such valid rights as may now exist to any of the lands, I would suggest that the words "now belonging to the United States of America," lines 3 and 4, page 1, be omitted, and that the words "subject to all prior valid adverse rights" be inserted after the word "reserved," in line 18, page 4, of the bill.

The land to be included in the national forest in secs. 19, 30, and 31 of T. 4 S., R. 72 W., is described in the bill as though such sections were regular. The plat of survey shows the western portions thereof to be large and to consist of three tiers of lots. To identify the desired land in such sections, the description should conform to the survey. I would suggest that the S. ½ of lot 4 of sec. 30, containing 15.14 acres, and the N. ½ of lot 3 of sec. 31, 13.98½ acres, in said township, be included as such tracts would connect the areas to be reserved in said sections, adjoin the national forest and are public, and as the remainder of such lots is covered by the description given in the bill. I would therefore suggest that lines 13 to 22, inclusive, on page 2, be stricken out and that the following description, conforming to the survey and embracing the tracts above named, be substituted therefor:

"In township four south, range seventy-two west, sixth principal meridian: Southeast quarter of northeast quarter, southeast quarter, south half of lots two and three, southwest quarter, including lots four, five, and six, section nineteen; south half of southwest quarter, section twenty; west half of southwest quarter, section twenty-nine; south half of southeast quarter, north half of lot one, all lots two, three, and four, north half of lot five, south half of lot six, section thirty; south half of lot two, all lot three, section thirty-one."

The acreage of the land described in the bill should have been given as 9,650.83 acres. With the addition of the portions of the lots above described the total area is 9,679.95 acres. I would therefore suggest that the words "four hundred and fifty-seven" in lines 16 and 17, page 4, be stricken out and "six hundred and eighty" substituted therefor.

Three thousand two hundred and forty-six acres of the proposed addition to the national forest are now under withdrawal made by Executive order of November 5, 1913, in aid of H. R. 1635, Sixty-third Congress, first session, proposing to grant the same, with other lands, to the city and county of Denver for park purposes. I am informed that the inclusion in the Pike National Forest of the lands described in this bill is desired by said city and county in order that they may be administered in cooperation with lands in the vicinity proposed to be acquired for such purpose, a portion thereof being described in S. 5197.

The bill provides, in lines 17, 18, and 19, page 4, that "the same are hereby reserved and withdrawn from entry and made a part of and included in the Pike National Forest." If it is the intention to simply place these lands in the same category as other lands embraced in national forests, it should be pointed out that such lands are subject to entry under the mining laws and under proper circumstances to homestead entry under the act of June 11, 1906 (34 Stat., 233), and the acts supplemental thereto. In that event the words "and withdrawn from entry," in line 18, page 4, should be stricken out. If, however, it is desired to absolutely withdraw these particular lands from all forms of appropriation under the public-land laws, I would suggest that the words "and withdrawn from entry and," in line 18, be stricken out, and that in line 18, after the word "reserved," insert "and are hereby withdrawn from all forms of location or entry, whether mineral or nonmineral, under the public-land laws of the United States." The lines 17, 18, and 19 then would read, "and the same are hereby reserved, subject to all prior valid adverse rights, made a part of and included in the Pike National Forest, and are hereby withdrawn from all forms of location or entry, whether mineral or nonmineral, under the public-land laws of the United States."

There is no objection on the part of this department to the proposed legislation, but it is not informed as to the administrative necessity therefor. I would therefore respectfully suggest that information relative thereto may be obtained from the Secretary of Agriculture.

Respectfully,

FRANKLIN K. LANE.

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The bill was referred to the Department of Agriculture, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF AGRICULTURE,
Washington, April 22, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

DEAR SIR: I wish to acknowledge receipt of a copy of the bill (S. 5198) "to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest," with the request that this department submit a report thereon, together with such suggestions and recommendations as it may see fit to offer.

The municipal authorities of the city of Denver, Colo., so I am informed, contemplate the establishment of a large park, to be administered by city officials. Another bill (S. 5197) has been introduced to have Congress grant approximately 7,000 acres of unappropriated unreserved public land in the vicinity of the tract described in this bill to the city. Several tracts of land in private ownership have been purchased by the city, and other purchases of private land within the area are proposed. These lands and the tracts mentioned in the bill now before me are to be developed by the city for their scenic attraction. The city contemplates the improvement of existing roads, the construction of new roads, and other works necessary in the park plan.

The two tracts now proposed to be added to the Pike National Forest are contiguous to the existing reservation. They form a part of the watershed of creeks feeding into the South Platte River. The lands are rough, broken, and mountainous in character, and nearly all of them are above 7,000 feet in elevation. Part of them support scattering stands of timber running from 2,000 to 10,000 feet board measure per acre. Some of the other parts have been burned over. The lands are chiefly valuable for timber production.

From these facts it would seem that the tracts are of such character as to warrant inclusion within a national forest under the act of March 3, 1891 (26 Stat., 1095), and amendments thereto. The addition of these 9,457 acres to the Pike National Forest will not add to the cost of administering the area. This department, therefore, would approve of the passage of the bill.

Very truly, yours,

B. T. GALLOWAY, *Acting Secretary.*

The committee has adopted all of the recommendations of the departments excepting the one which is suggested in the nature of an inquiry near the close of the report made by the Secretary of the Interior. This suggestion the committee did not deem necessary to accept for the reason that it seemed better to have the title to all land in national forests subject to the same conditions.

The land has little or no value for commercial purposes. When it is considered that it is comparatively close to a large city, if it had a commercial value, it would doubtless long ago have been filed upon for agricultural, mining, grazing, or timber purposes. Its altitude is so great, its main value is for the growing of timber suited to high elevations.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 631.

ORGANIZATION OF THE REGULAR ARMY.

JUNE 29, 1914.—Ordered to be printed.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. J. Res. 146.]

The Committee on Military Affairs, to whom was referred the joint resolution (S. J. Res. 146), to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength, have considered the same and report it back to the Senate with the recommendation that it do pass.

The Secretary of War, in a communication dated May 16, 1914, to the chairman of the committee, says:

> I have the honor to say that I favor the passage of the resolution as conforming to my views of what should be done in case of the imminence of war or other grave national emergency.

The purpose of the resolution is to provide for the war efficiency of the Infantry, Cavalry, Field Artillery, and Engineers of the Regular Army of the United States by placing in the hands of the President in time of war or when war is imminent or on other occasions of grave national emergency the power to raise the present organizations of these arms of the service to their maximum strength as provided for in the Act of Congress of February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," and the act of Congress of January 25, 1907, entitled "An act to reorganize and to increase the efficiency of the Artillery of the United States Army," without regard to the restriction contained in the former of said acts, which limits the total number of the enlisted men of the line of the Army to 100,000.

In the laws of 1901 and 1907 Congress provided for the organization of the Army with a view to its peace and war status. The organizations of the Infantry, Cavalry, Field Artillery, and Engineers were given a minimum strength which the President might, should he deem it advisable, increase to the maximum, or war, strength.

The restriction mentioned as to 100,000 men prevents the organizations from being raised to the war strength which Congress, in pre-

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scribing the organization and strength of companies, battalions, and regiments, intended, having in view their maximum war efficiency.

The arms which it is desired to raise to war strength are constituted at present as follows:

Infantry, 30 regiments	34,128
Cavalry, 15 regiments	14,184
Field Artillery, 6 regiments	5,513
Engineers, 3 battalions	1,942
Total	55,767

These arms raised to the war strength prescribed by Congress would be as follows:

Infantry, 30 regiments	55,080
Cavalry, 15 regiments	18,540
Field Artillery, 6 regiments	7,116
Engineers, 3 battalions	2,058
Total	82,794

It will be seen from the foregoing that to raise the present strength of organizations to the prescribed war strength will take an additional 27,027 men. The total enlisted strength of the Army is now 91,436. The increase necessary to raise it to war strength will bring the total strength to about 119,000, or about 19,000 more men than the present restriction allows

The resolution does not authorize an increase in the number of organizations, but, under certain conditions, an increase in the number of men, so as to give the maximum efficiency to existing organizations which was intended when Congress fixed their numerical strength.

The restriction as to 100,000 men, which, through its limitation, prevents existing organizations of the Regular Army from attaining in time of war the highest possible efficiency, should be removed.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 632.

TO AUTHORIZE ASSIGNMENTS OF ENTRIES ON THE FLATHEAD INDIAN RESERVATION, MONT.

JUNE 30, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 4441.]

The Committee on Public Lands, to which was referred the bill (S. 4441) to extend the provisions of the act of June 23, 1910 (36 Stat. L., p. 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., p. 265), authorizing the issuance of patents on reclamation homestead entries to lands in the Flathead irrigation projects, Montana, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The bill was referred to the Interior Department, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, March 18, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

My DEAR SENATOR: I am in receipt from your committee for report thereon of a copy of S. 4441 entitled:

"A bill to extend the provisions of the act of June twenty-third, nineteen hundred and ten (Thirty-sixth Statutes at Large, page five hundred and ninety-two), authorizing assignment of reclamation homestead entries, and of the act of August ninth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page two hundred and sixty-five), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana."

I have the honor to advise you that this bill is a duplicate of H. R. 12249, which was introduced at the suggestion of this department.

The act of June 23, 1910 (36 Stat., 592), authorizing the assignment of reclamation homestead entries made subject to the terms and conditions of the reclamation act of June 17, 1902 (32 Stat., 388), does not apply to the Flathead Project, for the reason that the project is being constructed under the act of April 23, 1904 (33 Stat., 302), as amended by the act of May 29, 1908 (35 Stat., 448).

The act of August 9, 1912 (37 Stat., 265), provides for the issuance of patents on entries made subject to the terms and conditions of the reclamation act of June 17, 1902, upon proof of compliance with the homestad laws and upon proof of the reclamation of at least one-half of the irrigable area in the entry and upon payment of all

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sums due the United States on account of such lands and water right at the time of the issuance of patent, a prior lien being retained to secure payment of all sums due, or to become due the United States, or its successors in control of the irrigation project in connection with such lands and water right. This act does not apply to the Flathead Project, for the reason that the project is not being constructed under the reclamation act.

The act of April 23, 1904 (33 Stat., 302), as amended by the act of May 29, 1908 (35 Stat., 448), under which the Flathead project is being constructed, provides for the issuance of patent on homestead entries made subject to the terms and conditions of said acts upon proof of compliance with the homestead law and upon proof of the reclamation of at least one-half of the irrigable area in the entry for agricultural purposes and upon payment of all water-right charges apportioned against the lands in not more than 15 equal annual installments.

This project has not been far enough completed to warrant the department in announcing the amount of the water-right charges, and therefore the entrymen are unable to obtain patent. From correspondence in this department it appears that these entrymen have experienced difficulty in securing loans upon their lands for the purpose of making further improvements, and it is believed that the extension of the act of June 23, 1910, and the act of August 9, 1912, to lands within the Flathead project would provide adequate relief. This department therefore recommends the enactment of the proposed legislation.

Respectfully,

A. A. JONES,
First Assistant Secretary.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 633.

INTERNATIONAL CONGRESS ON EDUCATION.

JULY 1, 1914.—Ordered to be printed.

Mr. STONE, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. J. Res. 157.]

The Committee on Foreign Relations, to which was referred Senate joint resolution 157, requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education, to be held at Philadelphia September 22 to 29, 1914, having had the same under consideration, report the resolution with the recommendation that it do pass.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 636.

VACANCIES IN DISTRICT LAND OFFICES.

JULY 2, 1914.—Ordered to be printed.

Mr. SMOOT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 2823.]

The Committee on Public Lands, to which was referred the bill (S. 2823) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices, having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Page 1, line 11, after the word "receiver," strike out the period, insert a comma, and add the words "while so acting."

As thus amended the committee recommend that the bill do pass.

The bill was referred to the Department of the Interior and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, October 11, 1913.

Hon. H. L. MYERS,
Chairman Committee on Public Lands, United States Senate.

SIR: I am in receipt, by reference from your committee, of Senate bill 2823, entitled "A bill relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices," for information as to the law and facts in relation thereto, and such suggestions as the department may see fit to offer.

In reply you are informed that H. R. 4939, entitled "A bill providing method of filling vacancies of any register or receiver of any district land office until a proper successor can be appointed and qualified," which, with the exception of the title, is identical in its provisions and wording with Senate bill 2823, was referred to the department by the Committee on the Public Lands of the House of Representatives for report thereon, and returned, with slight amendment, to the committee by the Secretary of the Interior, on July 19, 1913, with recommendation for its enactment into law, a copy of which report is herewith inclosed for the information of the committee.

Respectfully,

A. A. JONES, *Acting Secretary.*

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DEPARTMENT OF THE INTERIOR,
Washington, July 19, 1913.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: In response to your request for report on H. R. 4939, providing a method by which vacancies in the office of register or receiver of the United States local land offices can be filled temporarily, I have to advise you that under existing law registers and receivers act jointly and neither can act in many classes of cases without the other. This fact makes the enactment of the bill especially important, since it frequently happens that considerable intervals of time elapse during which one or the other of these offices is vacant, thus delaying the transaction of public business and inconveniencing applicants for public land. In order that the person designated to temporarily fill such a position shall receive the compensation provided only during the time he is performing such duties, I suggest the amendment of the bill by adding after the word "receiver," line 11, page 1, the words "while so acting." With this amendment, I recommend the enactment of the bill.

Respectfully,

FRANKLIN K. LANE.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 639.

ARMY AND NAVY MEDAL OF HONOR HONOR ROLL.

JULY 2, 1914.—Ordered to be printed.

Mr. SHIVELY, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 4282.]

The Committee on Pensions, having had under consideration the bill (S. 4282) entitled "A bill to establish in the War Department and in the Navy Department, respectively, a roll designated as 'The Army and Navy medal of honor honor roll,' and for other purposes," report the same with certain amendments thereto, and recommend that the bill, when so amended, do pass.

Amend, on page 2, in line 19, after the word "liberally," by striking out the words "and favorably."

Amend, on same page, by striking out all after the word "construed," in line 19, down to and including the word "doubt," in line 21.

Amend, on page 3, by striking out all after the word "considered," in line 4, down to and including the word "aforesaid," in line 6.

The roll proposed by the bill is distinguished from the rolls maintained by other leading nations of the world, first, in the exceptionally high standard of merit prescribed as a condition of admission to its honors; second, in the modesty in amount of pension attaching to the record of exceptional gallantry; third, in that conduct alone, and not rank, is the basis of the honor; fourth, in the advanced age of the soldier, and the length of time, as a rule, that must elapse after his especially heroic conduct before receipt of the special pension begins.

The Legion of Honor medal of France was instituted in 1802. In 1845 over 50,000 persons were in possession of the medal. While it was originally established to reward acts of special military daring, the medal subsequently was made also an incentive to and reward for exceptional service to society in scientific research, in literature, and the arts. Nearly 40,000 German soldiers were decorated with the Iron Cross of Germany for deeds of valor in the Franco-Prussian War. That war lasted about seven months. The congressional

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medal of honor was established by our Government in 1862. The latest report on the subject shows that the number of both Army and Navy medals issued in recognition of special gallantry under that legislation is 3,088. These cases give some idea of the high standard of especially meritorious conduct required to entitle the soldier of the United States to the congressional medal of honor as compared with the test of other nations on which like military decorations are granted.

But even the relatively small number of medals issued under the authority of existing Federal legislation does not measure or define the standard prescribed in the bill now commended to the Senate. On what was very probably an inadvertent construction of the law, 864 of the 3,088 medals were issued to the members of a single regiment who voluntarily remained on guard duty at Arlington for a few days after the terms of their enlistment expired. While this was honorable conduct and commendable service, it hardly came within the category contemplated by the words "gallantry in action" employed in the statute establishing the medal, or the words "distinguish themselves in action" used in the act appropriating for the expense of minting the medals. By regulations subsequently adopted in the War and Navy Departments construing the words "in action" the possibility of further issue of medals for like sevice wes remov d.

To admit the applicant to the benefits of the proposed act it must appear, first, that he "served in the military or naval service of the United States" in time of war; second, that he has "been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry and intrepidity, at the risk of his life, above and beyond the call of duty;" third, that he "was honorably discharged from service by muster out, resignation, or otherwise;" and, fourth, that he has attained "the age of sixty-five years." Under this rule the members of no regiment or company making under orders the most sanguinary charge of the Civil War could qualify for the benefits of the proposed act. Were they otherwise qualified, the survivors of the "Charge of the Light Brigade" at Balaklava would be ineligible. It is only an act of the soldier "above and beyond the call of duty," an act of such great risk to his life that no officer would command him to perform, an act which without blame he could omit or refuse to perform, an act of individual daring, valor, and heroism in which he is unsupported by the enthusiasm of numbers or the immediate presence and assistance of comrades, that would entitle the soldier to admission to the honor roll prescribed by the bill. For illustration, such was the act of the Michigan soldier at Resaca who voluntarily went to the rescue of a wounded comrade lying under heavy fire between the lines and bore him to safety, and of the Indiana soldier at Chicamauga who voluntarily went alone a long distance in the presence of the enemy in search of another regiment, procured a badly needed supply of ammunition, and returned with it to his company, he being exposed the entire time to a galling fire which riddled his clothing with bullets. The standard of merit prescribed by the text of the bill is unequaled in any nation of the world.

The military medal of the Legion of Honor of France, the Iron Cross of Germany, the Victoria Cross of England, the "Cruz Laureada de San Fernando" of Spain, the Cross of the Order of St.

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George of Russia, as well as the military decorations of the more minor States of Europe are all accompanied with pensions in addition to any other pension the possessor may enjoy by reason of ordinary military service or service disabilities. The Spanish medal entitles the private soldier to 75 pesetas, or $13.50 per month for life. In certain other countries the pension is less and in a few more. In some instances, in addition to the pension the decorations entitle the wearers to estates in land, and in others special advantages for the soldier's children in the schools. In view of the high standard prescribed in the bill, the proposed pension of $10 per month is a very modest recognition of superior claims on the gratitude of the country.

In most European countries the valor and merit decoration pensions are graded in amount according to rank. In the bill under consideration no distinction is allowed because of rank. Conduct alone determines the title to the pension, and the same pension attaches without reference to grade or rank in the service.

On the question of the cost of the measure it will be noted that each case must be determined on the official record and documents made at the time the heroic act or acts were performed. All other testimony is expressly excluded. This narrows the proof to authentic sources and leaves nothing to the infirmities of memory.

Of the 3,088 congressional medals of honor, the 864 issued on account of overtime guard service at Arlington go out of the estimate, as by the requirements of the bill no surviving owner could by the record qualify for the pension. Then of the total number, 29 were granted as rewards for escorting the body of President Lincoln to his burial at Springfield, Ill. This was highly honorable and distinguished service, but still not of the personally heroic character contemplated by the rigid limitations in the bill. Again, early after the medal was established, 13 medals were issued to civilians, none of whom would be eligible to the pension. Again, examination of the medal of honor records in the War and Navy Departments discloses that of the total number 507 Army medals and 151 Navy medals have been issued since the Civil War. As the bill fixes the age of eligibility at 65 years, it is palpable that but very few of those participating in our subsequent wars would be of admissible age for some years to come.

On the theory that all medalists are still alive, these deductions would leave the number from which possible applications could come at 1,526. According to the reports of the Bureau of Pensions, of the forces in the Civil War less than one-fifth now survive. The same general rate of mortality among the medalists would leave the Civil War medal men not to exceed 300. An application of the provisions of the bill to the "grounds of award" set out in the medal records of the War and Navy Departments discloses that only a small portion of these cases meets the rigid restrictions in the bill. The number is estimated at less than one-third. Should all who are eligible apply, the cost of the proposed measure for the first year might approximate $12,000. All the probabilities are that the sum would be less, rather than more. The average age of the Civil War veteran is over 73 years. By the American Experience Tables of Mortality the expectation of life at this age is 7.11 years. By the same tables the expectation of life at 65 is 11.10 years. It is manifest that the cost would decrease from year to year.

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The bill does not glorify war. It offers no incentive to the provocation of war. It recognizes and rewards in a modest way startling deeds of individual daring and audacious heroism in the face of mortal danger when war is on, deeds that give soul to an army and character to a country. The British Government noted the effect of the decoration of the Legion of Honor on the spirit of the French Army, and sought the same advantage by instituting the Victoria Cross. The policy of the measure is to signalize appreciation of that gallant, intrepid, indomitable spirit in war that becomes the best bond to long-continued future peace.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 642.

PONCA CITY, OKLA.

JULY 3, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 4880.]

The Committee on Public Lands, to which was referred the bill (S. 4880) authorizing Ponca City, Okla., and the board of education of said city to convey certain lands, having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Page 1, lines 12 and 13, strike out the words "thousand one hundred and sixty-eight" and insert in lieu thereof the following: "and one hundred and sixty-eight thousandths."

As thus amended, the committee recommend that the bill do pass.

The bill was referred to the Department of the Interior and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, March 30, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I am in receipt for report of S. 4880, a bill authorizing Ponca City, Okla., and the board of education of said city to convey certain lands, and in response I have the honor to submit the following:

The town sites of Bluffdale, Hartman, and Lynchville, Okla., were created under the last proviso of section 22 of the act of May 2, 1890 (26 Stat., 91), which authorizes the commutation of homestead entries for town-site purposes at $10 per acre "for all the lands embraced in such town sites, except the lands donated and maintained for public purposes as provided in this section." Said section further provides that in all surveys for such town sites reservations shall be made for parks, schools, and other public purposes of not less than 10 nor more than 20 acres, "and patents for such reservations to be granted for such purposes shall be issued to the towns, respectively, when organized as municipalities."

Said town sites are embraced within the corporate limits of Ponca City. The west half of block 35 in the town site of Bluffdale, containing 42,000 square feet; the west half of block 13 in the town site of Hartman, containing 42,000 square feet; and

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the west half of block 28 in the town site of Lynchville, containing 54,000 square feet, were each designated on the plats of said town sites "school reserve," and the same have been patented to Ponca City under the provisions of said section 22.

This department has been informed that the city has conveyed to the board of education of said city the tracts of land above described. Under the laws of Oklahoma the school district is a public corporation separate from and independent of the city.

I have been informally advised that the conditions surrounding said reserves are such that it is considered desirable to dispose of the same and secure other more suitable locations for school purposes. I therefore see no objection to the proposed legislation, except that the bill should be amended in lines 12 and 13 by striking out the words "thousand, one hundred and sixty-eight" and inserting in lieu thereof the words "and one hundred and sixty-eight thousandths."

Respectfully,

A. A. JONES,
First Assistant Secretary.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 643.

BOZEMAN, MONT., LAND FOR ALLEY PURPOSES.

JULY 3, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5847.]

The Committee on Public Lands, to which was referred the bill (S. 5847) to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The bill was referred to the Treasury Department, and the Secretary of that department furnished the committee with the following report thereon:

TREASURY DEPARTMENT,
Washington, D. C., June 26, 1914.

CHAIRMAN COMMITTEE ON PUBLIC LANDS,
United States Senate.

SIR: This department is in receipt of your communication of the 16th instant, requesting information as to the law and the facts in relation to S. 5847, providing for the disposition to the city of Bozeman, Mont., for alley purposes, of a 10-foot strip of land off the rear of the Federal building site at that place.

In reply, you are informed that under date of February 28, 1914, pursuant to the request of Senator Myers, this department gave to the city of Bozeman, Mont., a license, revocable at the will of the Secretary of the Treasury, permitting the use, for alley purposes, of a strip of land mentioned in the bill above referred to.

In view of the fact that the proposed alley will be of general benefit to the community at large, and the further fact that the availability of the site for Federal building purposes will not be affected by the use of said land for alley purposes, this department will interpose no objection to the passage of the legislation contemplated by the bill above referred to.

Respectfully,

CHARLES S. HAMLIN, *Acting Secretary.*

This legislation is for the purpose of deeding to the city of Bozeman, Mont., a narrow strip of land for alley purposes. The alley in question is in the rear of buildings facing on Main Street in one of the principal business blocks of the city. The original plat of the

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block left no alley. However, by deeds from the owners a part of this alley has been dedicated to the city and the alley has always been open. From the easterly entrance of the alley for the width of three lots the alley has been paved and the rest of it is open.

It would be a most serious inconvenience to the owners of lots in the remainder of the block, as well as to a great many other people in Bozeman, to have the alley closed by the Government, for the reason that it is used a great deal. In fact, no one would suffer greater inconvenience than would the Government itself.

At present, pending this legislation, the Government has issued a license to the city of Bozeman for the use of this narrow strip of land for alley purposes, thereby recognizing not only its owned need but also the need of the city for the alley.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 644.

SUNDRY CIVIL APPROPRIATION BILL.

JULY 6, 1914.—Ordered to be printed.

Mr. MARTIN, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 17041.]

The Committee on Appropriations, to whom was referred the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, reports the same to the Senate with various amendments, and presents herewith information relative to the bill, as follows:

Sundry civil, 1915.

Amount of bill as passed House	$107,946,359.28
Increase recommended by committee (net)	3,466,949.78
Amount as reported to the Senate	111,413,309.06
Amount of the regular estimate for 1915	119,779,806.83
Amount of supplemental estimates for 1915	6,596,221.00
Total, regular and supplemental estimates	126,376,027.83
Amount of the law for 1914 (including $7,894,621.86 in other acts)	124,689,948.87
The bill as reported to the Senate is less than the estimates	14,962,718.77
The bill as reported to the Senate is less than the law for 1914	13,276,639.81

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The changes in amounts of House bill recommended by the committee are as follows:

INCREASE.

Under the Treasury Department:

Public buildings—

Fort Stanton, N. Mex., sanatorium	$800.00
Jellico, Tenn	40,000.00
Norton, Va	50,000.00
Philadelphia, Pa., mint	10,000.00
Prescott, Ariz	7,500.00
Sylacauga, Ala	5,000.00
Washington, D. C.: Treasury Building	8,000.00
Washington, D. C.: Winder Building	3,500.00
Albertville, Ala	5,000.00
Attalla, Ala	5,000.00
Beaufort, N. C	5,000.00
Decatur, Ala	6,500.00
Glenwood, Iowa	5,000.00
Lancaster, Pa	138,278.78
Lenoir, N. C	7,000.00
Rossville, Ga	5,000.00
San Francisco, Cal., marine hospital	5,000.00
Honolulu, Hawaii, quarantine station, wharf	22,000.00
San Juan, P. R., quarantine station	
New Orleans, La., quarantine station, wharf	12,000.00
Cape Fear, N. C., quarantine station	25,000.00
Repairs and preservation	24,000.00
Mechanical equipment	13,500.00
Operating force	100,000.00
Furniture and repairs of furniture	75,000.00
Operating supplies	25,000.00
Total, public buildings	603,078.78

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Under the Treasury Department—Continued.

Life-Saving Service—	
Pay of crews of surfmen, etc	$201,050.00
Revenue-Cutter Service—	
Construction of vessels	165,000.00
Engraving and Printing—	
Salaries of employees other than plate printers and plate-printers' assistants	71,520.00
Wages of plate printers	112,565.00
Engravers' and printers' materials	65,820.00
	249,905.00
Miscellaneous objects—	
Punishment for violations of internal-revenue laws	50,000.00
Custody of dies, rolls, and plates	400.00
	50,400.00
Public Health Service—	
Pay, allowance, and communtation of quarters, commissioned medical officers and pharmacists	100,000.00
Pay of all other employees	50,000.00
Maintenance of marine hospitals, etc	11,000.00
	161,000.00
Total, under Treasury Department	1,430,433.78

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Under the War Department:

Collecting military records of Revolutionary War	$25,000.00
Fort Monroe, wharf, roads, and sewer	400.00
Antietam battle field, purchase of Dunkard Church property	1,500.00
Road from Highway Bridge to Arlington National Cemetery	11,000.00
Yellowstone National Park:	
Maintenance and repair	25,000.00
Widening roads, building bridges, culverts, etc	25,000.00
Widening roads in forest reserve leading out of park	10,000.00
Crater Lake National Park, road and bridges	25,000.00
Meridian Hill Park, Washington, D. C	25,000.00
National Home for Disabled Volunteer Soldiers:	
Southern Branch, Hampton, Va	22,000.00
Pacific Branch, Santa Monica, Cal	17,000.00
Total, under the War Department	186,900.00

Under the Navy Department:

Collecting naval records of Revolutionary War	7,000.00

Under the Department of the Interior:

Protection of national monuments	5,000.00
Contingent expenses of land offices	20,000.00
Geological Survey, gauging streams, etc	50,000.00
Medical relief in Alaska	50,000.00
Hot Springs Reservation, Hot Springs, Ark	237,840.00
Mount Rainier National Park, road	12,500.00
Crater Lake National Park, protection and improvement	500.00
Sullys Hill Park, N. Dak., protection and improvement	1,500.00
Howard University, improvement of grounds	2,000.00
Total, under the Department of the Interior	379,340.00

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Under the Department of Justice:

Conduct of customs cases	$5,000.00
Defending suits in claims against the United States	5,000.00
Detection and prosecution of crimes	20,000.00
United States Courts:	
Salaries of United States district attorneys, expenses, etc	15,000.00
Payment of regular assistants to United States district attorneys	50,000.00
Miscellaneous expenses	50,000.00
Atlanta (Ga.) penitentiary, salaries	300.00
National Training School for Boys, salaries	120.00
Total, under the Department of Justice	**145,420.00**

Under the Department of Commerce:

Point Vincente, Cal., light station	80,000.00
Lighthouse Service, salaries and wages of officers and crews of vessels	40,400.00
	120,400.00
Coast and Geodetic Survey—	
Surveys and resurveys of coasts on the Pacific Ocean	60,000.00
Two new vessels, including equipment	175,000.00
Office force	2,800.00
Lithographic presses	18,600.00
Buildings	6,100.00
	262,500.00

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Under the Department of Commerce Continued.

Bureau of Fisheries—

Fish pathologist	$2,500.00
Alaska general service	50,000.00
Alaska fishery service, vessels and boats	100,000.00
Fish cultural station in the State of Utah	25,000.00
Clackamas, Oreg., station	15,000.00
Beaufort, N. C., biological station	5,000.00
Edenton, N. C., station	3,500.00
	201,000.00
Total, under the Department of Commerce	583,900.00

Under the Department of Labor:

Immigration Service	50,500.00

Panama-Pacific International Exposition:

Building in which to install the Government exhibit, etc	500,000.00

Macdonough Memorial, Plattsburg, N. Y.:

In commemoration of victory of Commodore Macdonough on Lake Champlain	250,000.00

Under Department of State:

Permanent International Council for the Exploration of the Sea	5,956.00

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Under Legislative:

Senate Office Building, maintenance	$55,000.00
Furniture, awnings, etc	5,000.00
For the Capitol, repairs, improvements, etc., Senate kitchens	17,500.00
	77,500.00
Total increase	3,616,949.78

DECREASE.

Commission on Industrial Relations	150,000.00
Net increase	3,466,949.78
Amount of bill as reported to the Senate	111,413,309.06

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 647.

BRIDGE ACROSS THE SABINE RIVER, LA. AND TEX.

JULY 8, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 5957.]

The Committee on Commerce, to whom was referred the bill (S. 5957) to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La., having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

WAR DEPARTMENT, *June 27, 1914.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 5957, Sixty-third Congress, second session, to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

HENRY BRECKINRIDGE,
Acting Secretary of War.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 648.

INCOME TAX ON RAILROADS IN ALASKA.

JULY 8, 1914.—Ordered to be printed.

Mr. SIMMONS, from the Committee on Finance, submitted the following

REPORT.

[To accompany H. R. 9770.]

The Committee on Finance, to whom was referred the bill (H. R. 9770) to levy and collect an income tax on railroads in Alaska, and for other purposes, having considered the same, report thereon with a recommendation that it do pass.

The report of the House Committee on the Territories is appended hereto and made a part hereof.

[House Report No. 509, Sixty-third Congress, second session.

This bill proposes to repeal the existing law which imposes a license tax of $100 per mile per annum on railroads operated in Alaska, and to substitute therefor an income tax of 4 per cent on the net income of railroad corporations doing business in Alaska.

One line of railroad extends across the boundary of Alaska into Canada, therefore the bill provides that the tax shall be levied on business done in Alaska only.

This tax on net income is proposed, among other reasons, because the National Government has heretofore imposed, for Federal purposes, a tax of 1 per cent on net income of all corporations, which is known as the normal income tax. In the act establishing the income tax there is prescribed the necessary machinery for ascertaining and collecting the tax.

By simply providing an additional tax of 4 per cent for local uses, to be ascertained and collected in the same manner as provided for the normal income tax, a simple and inexpensive method of taxation is provided requiring no new reports or machinery and entailing no additional cost for assessment or collection.

The existing $100 per mile license tax has proved to be disastrous. It was imposed by an act of Congress approved in 1899, in which a system of license taxes was established for raising revenue in Alaska for Territorial purposes.

At that time there was no railroad in Alaska and apparently the matter was given very little consideration. The gross inequality of the tax is apparent. It is a flat $100 per mile per year tax and makes no distinction whether the railroad cost $100,000 a mile or only $10,000 a mile. It makes no difference whether the line is a light tramroad, with only occasional tonnage, and operated for only a part of the year or is a standard-gauge railroad, with heavy and continuous traffic and earnings. The tax is as inequitable as if a city should impose a tax of $100 per year on each house occupied within the city without regard to the fact whether the house be a cabin or a mansion. Although the tax would not be excessive for a strong, well-established railroad, it is an exceedingly burdensome one on new railroads built in the sparsely settled districts of Alaska and struggling to build up traffic in their infancy.

Railroads in new countries usually receive aid and assistance from the Government instead of being required to pay heavy taxes. Only after a country becomes settled and the business of the lines established can pioneer railroads bear heavy taxation.

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This principle has been strikingly illustrated by the operation of this $100 per mile license tax in Alaska. The following railroad lines have been built there:

	Miles.
White Pass & Yukon Railway	20
Seward Peninsula Railroad	86
Copper River & Northwestern Railway	196
Alaska Northern Railway	71
Council City & Solomon River Railway	34
Tanana Valley Railway	45
Total	452

Of these, the Seward Peninsula, the Alaska Northern, and the Council City & Solomon River lines have been forced to close down. Thus nearly half the mileage in the Territory has suspended operations.

The Seward Peninsula Railroad was bankrupted and shut down as a direct result of an action brought by the Government to collect the license tax. (See U. S. *v.* Seward Peninsula R. R., 122 C. C. A., 265, and 203 Fed., 963; also U. S. *v.* Northwestern Development Co., 122 C. C. A., 262, 203 Fed., 960.)

Various railroads in Alaska have been exempted from the payment of the tax for five-year periods by special acts of Congress, but the exemptions are all now expired, and other lines than those mentioned as closed down are threatened with criminal prosecution and ruin for having operated at intervals without having paid the license.

It was held in the case of the United States *v.* Seward Peninsula Railroad Co. that the license can only be enforced by criminal action. The license must be paid in advance.

The penalty for nonpayment is not the ordinary 10 or 15 per cent penalty, but is a sum equal to the amount of the tax for the first day's operation, double the amount of the tax for the second day's operation, and three times the amount of the tax with imprisonment for the third day; and every day's operation constitutes a separate offense.

Under this rule some of the roads which have been shut down and others which are still operating under sufferance are subject to millions of dollars of penalties. To enforce such penalties would be simply confiscation.

The closing of the lines mentioned has proved a great hardship to the people along their routes and is of no benefit to anyone, least of all to the Government, which should make every effort to encourage the building of railroads in Alaska.

Only two railroads, namely, the White Pass & Yukon Railway and the Copper River & Northwestern Railway, have paid the tax; so that, considered as a revenue measure, the license tax has proven a failure.

The repeal of the tax has been strongly recommended by the present governor of Alaska in his report for the year 1913. On pages 32 and 33 he says:

"Owing to a tax on the railroads in Alaska of $100 per mile, two railroads have not been operated during the past year. One of these is in the Seward Peninsula section, the other in the Cook Inlet country. It would be difficult perhaps for these railroads, under present conditions, to earn actual operating expenses, and the tax imposed upon them renders their operation prohibitive. The closing down of these roads has worked a hardship on miners and prospectors, as they afforded facilities for the transportation of supplies, which are now denied them, and the development of the country is consequently retarded. It is therefore recommended that railroads in Alaska be relieved of taxation for the present."

The former governor of Alaska recommended in two annual reports the repeal of the tax. The Legislature of Alaska, having no power itself to repeal the law, memorialized Congress to do so.

The Secretary of the Interior strongly recommends the repeal of the present tax, and the Attorney General is understood to favor its repeal or modification.

It is submitted, therefore, that the substitution of an income tax of 4 per cent of the net income of railroads operating in Alaska for the $100 per mile license tax will give the necessary relief and tend to encourage the construction of new lines to connect with the proposed trunk lines to be built by the Government.

It is a most equitable system of taxation, because a strong railroad with large earnings will pay in proportion to its earnings; while a new line during its infancy, when it can earn little or nothing above its operating expense, will be required to pay little or nothing. As soon as it begins to earn, it will begin to pay tax in proportion to its earnings.

The constitutionality of the proposed act is well sustained by the case of the United States *v.* Binns (194 U. S., p. 486).

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 649.

DIKE ON OLALLA SLOUGH, LINCOLN COUNTY, OREG.

JULY 8, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 5555.]

The Committee on Commerce, to whom was referred the bill (S. 5555) to amend an act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

[Second indorsement.]

WAR DEPARTMENT, *June 30, 1914.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The object of the accompanying bill, S. 5555, is to amend an act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910. The Chief of Engineers in reporting on the act which it is now proposed to amend presented the facts as follows:

"Olalla Slough is a tidal stream emptying into Yaquina River, the tidal influence extending about 2 miles up the slough from its mouth, for which distance it is navigable at half tide for small boats and scows. The range of tide at the mouth is about 6 feet, gradually decreasing toward the head of navigation, and for more than a mile above the mouth the controlling low-water depth is not less than 2 feet.

"The stream is used to a limited extent by settlers to transport their farm products to market and to float logs to the sawmills on Yaquina River. At its mouth the slough is spanned by a railroad bridge and about one-half mile above by a county highway bridge, both drawless, but provided with 20-foot openings, which permit the passing of small boats without masts at all stages of the tide. Between these two bridges a local organization known as the Olalla Diking District has constructed, under authority of the laws of the State, a dam for the purpose of reclaiming and improving the adjacent lowlands. The plans for this structure were not approved by the War Department as provided by the Federal laws, and being considered an unreasonable obstruction to navigation, the department, at the solicitation of navigation interests, has recently taken steps to secure an abatement of the obstruction.

"The object of this bill is to authorize the maintenance of the said dam provided a suitable gate is inserted therein, to be opened and closed at certain stages of the

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tide for the passage of boats. It is understood that the bill is intended by its proponents as a substitute for H. R. 22387, entitled 'A bill to declare the Olalla Slough, in Lincoln County, Oreg., nonnavigable,' concerning which my predecessor made report under date of April 1, 1910. In this report, after calling attention to the character of the waterway, showing that it was in fact navigable, he remarked as follows:

" 'It will be noted that navigation on the stream is purely of a local character; that the stream has no value so far as general commerce is concerned; and that the State and local agencies have apparently considered that the reclamation of adjacent lands is more important to the community than the limited navigation of which the stream is capable.

" 'The question whether a navigable waterway shall be exempted from the operation of the laws enacted for the protection of such waterways, is one for Congress in its wisdom to determine, and in reporting upon measures of this kind it has been the practice of this Department to confine itself to furnishing the facts, and to refrain from expressing any opinion on the propriety of the legislation.'

"While the placing of a gate in the dam may, to a slight extent, better the present facilities for navigation, it will not make reasonably adequate provision for the limited local commerce of which the stream is capable, and to insure such provision will require the construction of a small lock at least 40 feet in length and 14 feet in width. It is obvious from this that the foregoing remarks of my predecessor regarding House bill No. 22387, are pertinent to the bill now under consideration, as the effect of either measure upon the navigation of the stream would be nearly the same; and I am constrained to adhere to the position taken by him that the proposition is one for Congress in its wisdom to adopt or reject upon the facts presented."

The Chief of Engineers in reporting on the present bill states that local conditions, both as regards the physical character of the waterway and the extent of its navigation, have not changed since the above report was submitted. The proposed bill is the same as the act approved June 25, 1910, authorizing the maintenance of a dike across Olalla Slough, Oreg., except that in describing the location of the dike the words "or at any point upstream that might be desired" are inserted. The Olalla Diking District, under the act of June 25, 1910, have the right to reconstruct and maintain a dike at the site of the foundation constructed some years ago before the passage of the act. There is less objection to the construction of a dike farther upstream, as now proposed.

I know, therefore, of no objection to the passage of the proposed legislation except those set forth before the passage of the act of June 25, 1910. As conditions have not materially changed these may probably be fairly considered to have been resolved for the present purposes by that act which is subject to the power to alter, repeal or amend.

HENRY BRECKINRIDGE,
Assistant Secretary of War.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 650.

BRIDGE ACROSS A SLOUGH, PART OF TENNESSEE RIVER, GUNTERSVILLE, ALA.

JULY 8, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 5977.]

The Committee on Commerce, to whom was referred the bill (S. 5977) to authorize Bryan and Albert Henry to construct a bridge across the slough, which is a part of the Tennessee River, near Guntersville, Ala., having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

[Second indorsement.]

WAR DEPARTMENT, *June 27, 1914.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 5977, Sixty-third Congress, second session, to authorize Bryan and Albert Henry to construct a bridge across a slough, which is a part of the Tennessee River near Guntersville, Ala., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

HENRY BRECKINRIDGE,
Acting Secretary of War.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 652.

ENTRIES UNDER ACT OF MAY 29, 1908.

JULY 9, 1914.—Ordered to be printed.

Mr. THOMAS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5629.]

The Committee on Public Lands, having had under consideration the bill (S. 5629) for the relief of certain persons who made entry under the provisions of section 6, act of May 29, 1908, report the same back with the following amendment:

Page 2, line 5, after the word "thereon," strike out the period, insert a colon, and add the following:

Provided, That this legislation is to be construed as only removing the objection with relation to transfer, heretofore raised by the Interior Department against said entries, and is not to be construed as confirming entries, if any, made for lands not subject to entry or entries made by persons not entitled thereto: *And provided further*, That if any of the said entries under the remedial act or amendments thereto have been canceled and the lands embraced therein reentered by intervening adverse claimants, such canceled entries are not to be reinstated and validated by this act, but the right to make new locations in lieu thereof for lands subject to homestead entry is hereby granted.

As thus amended the committee recommend that the bill do pass.

The reasons for this legislation are set forth in House Report No. 306 of the Sixty-second Congress upon a similar bill, as follows:

By the act of June 3, 1856 (11 Stat., 20), and the act of May 5, 1864 (13 Stat., 86), certain grants of land were made to aid in the construction of the Chicago, St. Paul, Minneapolis & Omaha Railroad and the Wisconsin Central Railroad. By the rulings of the Department of the Interior certain lands within the indemnity limits of said grants were held to be excepted from the grant and such lands as were not needed in satisfaction of the Omaha grant were restored to entry after due notice.

Under published order of the Secretary of the Interior of October 22, 1891, taking effect November 2, 1891, certain homesteaders settled upon, improved, and made entry for portions of the odd sections thereby opened to homestead entry. By the decision of the Supreme Court of June 3, 1895 (159 U. S., 46), the title to said lands was confirmed in the Wisconsin Central Railroad, and as a result all of said entries were canceled on the records of the General Land Office, about 120 in number.

The settlers and entrymen, who were thus deprived of the benefits of their labor and improvements by the foregoing cancellations, many of them, continued to reside upon, cultivate, and improve the lands in their entries, in the expectation of having

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title to their homes confirmed in them by legislation, as had previously been done in like cases, but on May 15, 1899, they were, by judgments of the courts, ejected from their homes and were without relief.

On May 29, 1908, Congress granted these settlers and entrymen the right to make new entries and to apply their proof, which could not be submitted in Wisconsin, on the new land.

About 50 of those entitled adopted the relief granted and made new entries in the States of Montana, Wyoming, Utah, Idaho, Colorado, South Dakota, and Arkansas, showing by their proof that they had fully complied with all of the requirements of the homestead law in Wisconsin, having resided on and improved that land for the full five years required.

In nearly all of these new entries either final certificates or final receivers' receipts were issued and have been outstanding upward of five years as evidences of title. In six of these cases patents were actually issued, but all of the remaining patents have been held up, because the Interior Department has taken the position that it does not have the authority under the act of May 29, 1908, to patent these entries, the Wisconsin entrymen not having made their homes thereon.

It is shown that there are approximately 20 different transferees, located in the seven States above mentioned, all of whom are in actual occupation of the land, and who have spent thousands of dollars in improvements thereon, in faith of the act of May 29, 1908, and the final certificates and receipts issued on the entries made thereunder. The aggregate area of all of the lands in the new entries is approximately sixty-five hundred acres.

The purpose of this bill is to remove the objection with relation to transfer, heretofore raised by the Interior Department, and in view of the valuable improvements placed on the lands by the transferees, their good faith, and the right to relief which was earned by the original Wisconsin entrymen, the bill, as amended by the Interior Department should be passed.

The bill as now reported, meets the approval of the Interior Department as is shown by the following report therefrom:

DEPARTMENT OF THE INTERIOR,
Washington, June 18, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: By your reference I have for report Senate bill 5629, for the relief of certain persons who settled under the homestead laws upon certain lands which were lost to them because of conflict with the grant to the Wisconsin Central Railroad.

Congress has on three occasions legislated respecting the homestead settlers on the lands found to belong to the Wisconsin Central Railroad Co. The first was the act of April 19, 1904 (33 Stat., 184). The second, the act of May 29, 1908 (35 Stat., 465). The third was joint resolution No. 164 of June 25, 1910 (36 Stat., 885).

A number of entries were made under said legislation by the alleged beneficiaries and it appeared that agreements had been made by them prior to entry for the transfer of the lands to be so entered.

In the test case of Leopold Bauer, decided by the department February 21, 1910 (38 L. D., 460), adhered to on review and re-review (39 L. D., 304), the department held that the remedial legislation referred to contemplated merely that in making homestead entries for other lands for their own benefit the entrymen should be credited for the time spent and improvements made on the Wisconsin lands, but did not grant a scrip right nor authorize agreement prior to entry for transfer of the lands to be entered thereunder.

It appears that the entry of Bauer was canceled on August 6, 1913.

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The action of the department was predicated upon its view as to the proper construction to be placed upon said remedial legislation which, in the opinion of the department, did not authorize transfer of the right of entry but merely authorized entries to be made by the beneficiaries for their own use and benefit. The present legislation obviates the objection theretofore raised by the department and provides for confirmation of the entries whether such entries are now being asserted by the original entrymen or by transferees. The department is not at all averse to this legislation, inasmuch as it appears that the settlers made their settlements and improvements upon lands supposed to be public lands and lost their claims without any fault of their own. Having in effect earned title to the former lands, which could not be given them because the lands were not public lands of the United States, they may very properly be accorded the right to transfer the additional lands, and any agreements to do so made prior to entry may be allowed, if Congress desires to grant such privilege.

It is believed, however, that the following provisions should be added to the proposed bill, viz:

"*Provided*, That this legislation is to be construed as only removing the objection with relation to transfer, heretofore raised by the Interior Department against said entries, and is not to be construed as confirming entries, if any, made for lands not subject to entry or entries made by persons not entitled thereto: *And provided further*, That if any of the said entries under the remedial act or amendments thereto have been canceled and the lands embraced therein reentered by intervening adverse claimants, such canceled entries are not to be reinstated and validated by this act, but the right to make new locations in lieu thereof for lands subject to homestead entry is hereby granted."

Respectfully,

A. A. JONES,
First Assistant Secretary.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 653.

BRIDGE ACROSS THE ST. LOUIS RIVER BETWEEN MINNESOTA AND WISCONSIN.

JULY 9, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 5325.]

The Committee on Commerce, to whom was referred the bill (S. 5325) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

[Second indorsement.]

WAR DEPARTMENT, *May 23, 1914.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 5325, Sixty-third Congress, second session, authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin, makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

HENRY BRECKINRIDGE,
Acting Secretary of War.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 654.

PROTECTION OF WATER SUPPLY OF NEVADAVILLE, COLO.

JULY 9, 1914.—Ordered to be printed.

Mr. THOMAS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 2518.]

The Committee on Public Lands, to which was referred the bill (S. 2518) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply, having had the same under consideration, beg leave to report it back to the Senate with the following amendments:

On page 4, at end of line 6, add the following:

Provided, That there is reserved to the United States all gas, oil, coal, and other mineral deposits and the right to prospect for, mine, and remove the same: *And provided further*, That the cost of the survey mentioned in section two of this act shall be paid by the said town of Nevadaville: *And provided further*, That in the event said lands are ever abandoned and not used for municipal purposes, all right, title, and interest therein to be conveyed to the said town of Nevadaville by this act shall be forfeited and the same shall revert to the United States.

As thus amended the committee recommend that the bill do pass.

The legislation suggested in this bill has the approval of the Secretary of the Interior, as is set forth in his letter to the Committee on Public Lands, reference to which is hereby made.

DEPARTMENT OF THE INTERIOR,
Washington, August 27, 1913.

Hon. HENRY MYERS,
Chairman Committee on Public Lands, United States Senate.

SIR: I am in receipt of request for report on S. 2518, which proposes to authorize the purchase by the town of Nevadaville, Colo., of approximately 17.399 acres of land within the Pike National Forest, Colo., for the protection of the municipality's water supply.

The land is unsurveyed, but would probably fall within sections 6 and 7, township 3 south, range 73 west, when surveyed. The records of the General Land Office show about 25 mineral entries to have been made within the immediate vicinity, nearly all of which have been patented, and, in addition, some mineral applications are pending. It is not possible to ascertain to what extent, if any, mineral claims conflict with

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the proposed grant, without obtaining from the surveyor general a segregation diagram, which may possibly involve an examination in the field. In any event, if the bill should be enacted an official survey of the tract would be necessary before patent could issue thereupon.

The act of Congress approved February 1, 1905 (33 Stat., 628), authorizes grants of rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals within and across forest reserves of the United States for municipal purposes, and it would seem that the municipality of Nevadaville could obtain the rights it desires under that act. The forest withdrawal of the land and adjacent tracts also constitutes a protection to and furnishes a forest cover for the water supply, except so far as mineral development permitted by existing law in national forests might interfere therewith. If, however, additional protection through legislation is deemed necessary or advisable it is suggested that this end may be best obtained, having in view the interests of the municipality and of the United States, by the enactment of a measure similar to the act of Congress approved February 27, 1913 (Public 392), for the protection of the water supply of Colorado Springs and Manitou. Should Congress, however, deem it advisable to enact S. 2518, I recommend that it be amended in the following particulars:

1. Insert in the act a reservation to the United States of gas, oil, coal, and other mineral deposits in the land and the use of the land necessary to extract the same;
2. Require that the town pay the cost of survey of the land.
3. Provide for a reversion of the land to the United States in the event that it should cease to be used for the purposes specified in the grant,

Respectfully,

A. A. JONES, *Acting Secretary.*

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 655.

AMENDMENT TO SECTION 4474, REVISED STATUTES.

JULY 13, 1914.—Ordered to be printed.

Mr. SIMMONS, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 16055.]

The Committee on Commerce, to whom was referred the bill (H. R. 16055) to amend section 4474 of the Revised Statutes of the United States, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of Commerce, as will appear by the following report of the House Committee on the Merchant Marine and Fisheries, which is made a part of this report:

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 16055) to amend section 4474 of the Revised Statutes of the United States, having considered the same, report it to the House with the recommendation that the bill do pass.

This legislation has the approval of the Department of Commerce in a letter addressed to the chairman as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 1, 1914.

MY DEAR CONGRESSMAN: The department is in receipt of your letter of April 29, 1914, inclosing H. R. 16055, a bill to amend section 4474, Revised Statutes, and requesting a report thereon, as to its merits, and the advisability of enacting the same into law.

In reply you are informed that the bill has been carefully examined, and the department is of opinion that the bill possesses considerable merit, and that it is advisable in order to meet modern business conditions to amend section 4474, as proposed by the bill referred to. The bill has the approval of the department.

Very truly, yours,

E. F. SWEET, *Acting Secretary.*

Hon. J. W. ALEXANDER, M. C.,
House of Representatives, Washington, D. C.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 656.

ORIGINAL ORDINANCE OF SECESSION OF LOUISIANA.

JULY 13, 1914.—Ordered to be printed.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. J. Res. 295.]

The Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 295) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State, report the same back to the Senate with the recommendation that it do pass.

The document referred to is on file in the Adjutant General's Office, War Department, but in the absence of legislation by Congress specifically authorizing the returning of the ordinance in question to the State of Louisiana, the War Department has no lawful authority to return it. When Senate concurrent resolution No. 104, Sixtieth Congress, second session, was pending the War Department expressed the opinion that "no objection to the return of that document to the State of Louisiana is known."

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 657.

LOAN OF TENTS, ETC., TO MILITARY SCHOOLS.

JULY 13, 1914.—Ordered to be printed.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. J. Res. 92.]

The Committee on Military Affairs, to whom was referred the joint resolution (S. J. Res. 92) authorizing the governor of any State to loan to military colleges and schools within his State such tents and camp equipage as have been issued to the State by the United States under the provisions of existing laws, report the same back to the Senate with the recommendation that it be amended as follows, and as thus amended that it do pass:

On page 1, line 3, strike out the words "when it can be spared" and the comma.

On page 1, line 9, after the word "issued," insert the following: "or shall be issued."

On page 2, line 5, after the word "schools," add the following:

; nor shall any property be so loaned when the loan would interfere with the use of the property for the purpose for which it has been issued or shall have been issued to the State

Amend the title so as to read: "Authorizing the governor of any State to loan to military colleges and schools within his State such tents and camp equipage as have been issued or shall be issued to the State by the United States under the provisions of existing law."

As amended the bill meets with the approval of the War Department.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 661.

BUILDING FOR DEPARTMENT OF JUSTICE.

JULY 13, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 6059.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 6059) providing for the erection of a building for the use of the Department of Justice, having considered the same, beg to report thereon with the recommendation that the bill pass.

The purpose of the bill is to erect in the city of Washington a building for the use of the Department of Justice. The necessity for such a building is most urgent. This department is one of the most important and honorable departments in the Federal Government and has for many years been wretchedly housed, and its officials on account of wretched and insufficient accommodations have been unable to work as efficiently and satisfactorily as otherwise they would have been able to do. This department has not only insufficient space, but the buildings occupied are unsuited for the purposes for which they are now used. There is no greater necessity for the construction of Federal buildings now existing than for the one now proposed. The Department of Justice has been compelled to rent quarters in different places, to its great inconvenience and annoyance. The Department of Justice has been compelled to pay high rent for unsuitable buildings. The buildings rented and the amount of rent paid by this department are as follows:

	Per annum.
1435 K Street (which includes no services)	$10,000
1000 Vermont Avenue (which includes no services)	6,800
1439 K Street (which includes no services)	2,400
1013 Fifteenth Street (which includes no services)	1,800
6 Jackson Place (which includes no services)	1,800
8 Jackson Place (which includes no services)	2,100
Bond Office Building, 9 rooms (including heat, light, and janitor service)	1,800
Southern Office Building, 20 rooms (including heat, light, and janitor service)	7,400
Total rental	34,100

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The buildings occupied by the Department of Justice are not fireproof, and fire may at any time occur in these buildings which would occasion great loss and inconvenience to the Government. The Government records on file in these unsafe buildings date back to 1789. If a fire should occur in these buildings and the Government should lose these records, it would be impossible to estimate the extent and seriousness of the loss.

Section 30 of the public buildings act of May 30, 1908, authorized the Secretary of the Treasury to acquire a site for the building proposed in this bill, as well as proposed buildings for the State Department and the then Department of Commerce and Labor. The section referred to is as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, for the use and accommodation of the United States Departments of State, Justice, and Commerce and Labor, the whole of squares numbered two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, two hundred and twenty-nine, and two hundred and thirty, in the city of Washington, District of Columbia, and the sum of $2,500,000, or so much thereof as may be necessary, to pay for the land so acquired is hereby authorized. That part of C Street, Ohio Avenue, D Street, and E Street lying between the squares named herein is hereby made a part of the site authorized by this act. That should the Secretary of the Treasury decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August thirtieth, eighteen hundred and ninety, providing a site for the enlargement of the Government Printing Office (United States Statutes at Large, volume wenty-six, chapter eight hundred and thirty-seven).

Section 31 of the public-buildings act of June 25, 1910, authorized the Secretary of the Treasury to prepare designs and estimates for the proposed buildings. The section referred to is as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to prepare designs and estimates for a separate fireproof building for each of the Departments of State, Justice, and Commerce and Labor, to be erected upon land acquired for sites thereof in the city of Washington, District of Columbia, at a total limit of cost not to exceed $8,000,000; but no part of this amount is authorized to be appropriated by this act except as hereinafter provided. Such designs and estimates shall be approved by a board consisting of the President, the Secretary of the Treasury, and the head of the respective executive department for the use of which such building is to be constructed, and an appropriation is hereby authorized for carrying out the purposes of this section of not to exceed $200,000.

That the Secretary of the Treasury be, and he is hereby, further authorized, without regard to civil-service laws, rules, or regulations, to secure such special architectural, engineering, or other expert technical services as he may deem necessary and specially order in writing, to serve either within or without the District of Columbia, to assist in the preparation of designs and estimates, and to pay for such services at such prices or rates of compensation as he may consider just and reasonable from the appropriation herein authorized, any statute to the contrary notwithstanding: *Provided*, That the foregoing authorization for securing the services of specially qualified persons shall be in addition to and independent of the authorizations and appropriations for personal services for the Office of the Supervising Architect otherwise made.

In accordance with the provisions contained in these two bills the land has been acquired for the construction of these buildings and the designs and estimates prepared. This proposed bill will in a large measure carry out the intention of these two previous acts. The necessity for more suitable and adequate quarters for the Department of Justice is set forth in a statement prepared by the chief clerk of the department, which is made a part of this report, and is as follows:

Fifteen years ago the department's old building at the corner of Pennsylvania Avenue and Madison Place was condemned as unsafe, and the Attorney General and all of his subordinates were driven to the street to find refuge where they could. The

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department is now occupying eight rented buildings or parts of buildings, situated in different parts of the city, at an annual rental of $34,100. The offices of the Attorney General, the Solicitor General, the Assistant Attorneys General, and several of the administrative offices are housed in the group of four buildings on K Street between Vermont Avenue and Fifteenth Street. The Court of Claims Division, with as Assistant Attorney General, 20 attorneys, and 14 clerks, is located in two residence buildings on the west end of Jackson Square. The Indian Depredation Division, with its several attorneys and clerks, is located in the Bond Office Building, at the corner of Fourteenth Street and New York Avenue. The disbursing clerk, the offices of the superintendent of prisons, and a number of attorneys connected with the Antitrust Bureau are located in the Southern Office Building, at the corner of Fifteenth and H Streets.

None of the buildings occupied by the department (except those offices located in office buildings) is fireproof, and not one of them contains a vault. This condition is inconvenient, uneconomical, and humiliating.

The six separate buildings rented by the department were formerly used as residences. They are not only poorly heated, but each building has a separate hot-air furnace or steam heating plant. This method of heating so much space is expensive and unsatisfactory.

The law library of the department, consisting of over 40,000 volumes, is located part in the Court of Claims building at Seventeenth Street and Pennsylvania Avenue, and part in the main building on K Street. The space used for library purposes is crowded and congested, and provision for reading rooms or places for attorneys to study and make use of the library is impossible.

The files of the department, which also includes the files of the office of the Attorney General running back to 1789, are in danger of destruction by fire at any time. Part of these files are in the basements of the buildings, these basements being merely the cellars of the houses occupied, while the current files of the department are housed in a stable building across the alley from the main building and connected by a bridge. It has cost the Government several hundred dollars to extend heat into this building and otherwise to make it available for this purpose. It is a small, cheap brick stable building and would be easily destroyed by fire.

There is a great loss of efficiency under present conditions, owing to the fact that with few exceptions two attorneys are occupying one room, one perhaps having a conference or dictating to a stenographer, while the other may be attempting to study a case or prepare a brief. Efficient or satisfactory work under these conditions is impossible, and an error or mistake of judgment, due to these conditions, may, any time, cost the Government the loss of a case involving thousands or even millions of dollars.

The committee strongly urge the immediate passage of this bill and the construction at an early date of the proposed building.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 665.

HIGHWAY ALONG THE RIO GRANDE BORDER.

JULY 14, 1914.—Ordered to be printed.

Mr. CATRON, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. J. Res. 98.]

The Committee on Military Affairs, to which was referred Senate joint resolution 98, authorizing a survey and examination of the Rio Grande border of the United States to determine the advisability of constructing a highway either along the entire border or certain sections thereof, has given the same very careful consideration and begs leave to report the same with the recommendation that the resolution do pass.

A representative committee of citizens living along the border appeared before a subcommittee of the committee on Thursday, February 26, and presented very strong argument in support of the resolution.

The subcommittee finds that—

(1) This road would be a great aid to the Treasury Department in the enforcement of the revenue laws and would be the cause of a great economy in preventing the losses due to the constant smuggling almost impossible to suppress entirely and which represents a loss to the Treasury Department of probably some hundreds of thousands of dollars annually.

(2) This road would be of signal advantage for strategical purposes and would aid the military authorities effectively in patrolling the frontier of a sparsely settled section and would prevent the repetition of such outrages and murders as recently took place and which are the subject of trials in the courts of Texas at the present moment. It would further prevent the constant pillaging of the property of American citizens along this border by irresponsible bandits who are constantly passing at will between Texas and Mexico.

(3) The construction of this military highway would in all probability lead to the settling up of the territory along the border, and the protection thus afforded would reduce the cost of protection of a vast section of territory.

(4) The moral effect caused by the construction of this road would be felt immediately as being an indication of what our Government

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is willing to do in case of necessity, and would go a long way toward reassuring the people of this border of the ability of the Government to protect their lives and property.

(5) It appears that the value of such a road to this Government as a means of enabling the customs authorities to more effectually patrol the border would be of great value in preventing the large amount of smuggling that is now constantly going on in this territory, and it would further tend to materially reduce the number of violations of the immigration laws and would greatly facilitate the operations of the Post Office Department in its being a useful and necessary post road; and we, your subcommittee, believe this is an important means of the Government's protecting its citizens along the border.

The subcommittee have gone thoroughly into this matter and are firmly convinced of the merit of the proposition.

The committee therefore recommend the passage of the resolution by the Senate, and refer to the annexed letters or reports from the Acting Secretary of the Treasury and the Secretary of the Department of Labor, which will be printed as a part of this report.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 3, 1914.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

SIR: I have the honor to refer to Senate joint resolution 98, referred to this department, under date of March 11, 1914, relative to a survey and examination of the Rio Grande borders of the United States, to determine the advisability of constructing a highway either along the entire border or certain sections thereof.

In reply to your request for the views of the department as to the effect of the proposed highway on the administration of the customs laws, I have to state that such a highway would be of great service in the inspection and patrolling of the border, the prevention of smuggling, and other proper administration of the customs along the Rio Grande border. At present there are suitable roads along only comparatively small sections of the border, and such a highway as proposed in the resolution would be of great aid in enforcing the customs laws and regulations.

Respectfully,

CHARLES S. HAMLIN, *Acting Secretary.*

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 31, 1914.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs, United States Senate.

DEAR SIR: This department is in receipt, by your reference of March 11, of Senate joint resolution 98, authorizing a survey and examination of the Rio Grande border of the United States to determine the advisability of constructing a highway either along the entire border or certain sections thereof, introduced by Senator Sheppard on January 16, 1914, and referred to your committee.

In response to your request for an expression of the department's views upon the subject matter of the resolution with reference to the enforcement of the immigration laws, I have the honor to state that, in my judgment and in that of the officials of the Bureau of Immigration, the patrol work of the Immigration Service along the border, which is of great importance in preventing the surreptitious entry of inadmissible aliens, would be largely facilitated by the existence of a good highway near the international boundary. The department therefore favors the adoption of the joint resolution under consideration.

Very truly, yours,

W. B. WILSON, *Secretary.*

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 666.

BRIDGE ACROSS SULPHUR RIVER, TEX.

JULY 15, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6031.]

The Committee on Commerce, to whom was referred the bill (S. 6031) authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Paces Ferry, between the counties of Bowie and Cass, in the State of Texas, having considered the same, report it with an amendment, and as amended recommend its passage.

The bill thus amended has the approval of the Department of War, as will appear by the annexed letter; the amendment referred to therein having been incorporated in the bill as reported.

WAR DEPARTMENT, *July 8, 1914.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 6031, Sixty-third Congress, second session, authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River, at or near Paces Ferry, between the counties of Bowie and Cass, in the State of Texas, is in proper form with the exception of the omission of the usual provision "at a point suitable to the interests of navigation," and states that if amended to include this provision the bill will make ample provision for the protection of the interests committed to the War Department.

I concur in the views of the Chief of Engineers, and recommend that the bill be amended as indicated in red thereon, and as thus amended I know of no objection to its favorable consideration by Congress so far as the interests committed to thi department are concerned.

LINDLEY M. GARRISON,
Secretary of War.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 670.

STANDARD BOX FOR APPLES.

JULY 15, 1914.—Ordered to be printed.

Mr. CLAPP, from the Committee on Standards, Weights, and Measures, submitted the following

REPORT.

[To accompany S. 4517.]

The Committee on Standards, Weights, and Measures, to whom the above-entitled bill was referred, having considered the same, report it favorably with the following amendments:

In line 3, page 1, after the word "apples," insert "hereinafter provided for."

In line 11, page 1, after the word "sale," insert "in interstate or foreign commerce."

In line 14, page 3, after the word "apples," insert "intended for interstate or foreign commerce."

On page 3, after the word "act" in line 11, insert:

Provided, however, That all shipments in boxes to foreign countries in which a standard box may have been established may be marked "For export, quality of contents equal to American standard."

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 671.

LEASING PRIVILEGES FOR HOTELS, YOSEMITE NATIONAL PARK.

JULY 16, 1914.—Ordered to be printed.

Mr. WORKS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 1694.]

The Committee on Public Lands, to which was referred the bill (H. R. 1694) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations," having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The above bill is substantially the same as S. 8279 of the Sixty-second Congress, which was reported upon favorably by the Interior Department under date of January 25, 1913, and which was subsequently favorably reported to the Senate by the Public Lands Committee and passed the Senate January 29, 1913, but which failed to pass the House, owing to the rush attendant upon the closing hours of the Congress.

A very full report has been filed by the House Committee on the Public Lands, with reference to this legislation, under date of April 20, 1914 (H. Rept. No. 555), reference to which is hereby made.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 679.

MARRIAGE OF HOMESTEAD ENTRYWOMAN WITH AN ALIEN.

JULY 16, 1914.—Ordered to be printed.

Mr. SMOOT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 11745.]

The Committee on Public Lands, to which was referred the bill (H. R. 11745) to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien, having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Page 1, line 8, after the word "alien," insert the following: "who is entitled to become a citizen of the United States."

As thus amended the committee recommend that the bill do pass.

The above bill was considered favorably by the House Committee on the Public Lands, as will be seen by reference to the report (H. Rept. No. 665) made by said committee on May 12, 1914, to the House.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 683.

ENLARGED HOMESTEADS.

JULY 16, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 1698.]

The Committee on Public Lands, to which was referred the bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

This bill has the approval of the Department of the Interior, as evidenced by a letter from the Secretary thereof addressed to the House Committee on the Public Lands and which appears in House Report No. 676, of May 15, 1914, made by the Committee on the Public Lands to the House, reference to which is hereby made.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 684.

STREET RAILWAY SYSTEM, SOUTH HILO, HAWAII.

JULY 17, 1914.—Ordered to be printed.

Mr. SHAFROTH, from the Committee on Pacific Islands and Porto Rico, submitted the following

REPORT.

[To accompany H. R. 8660.]

The Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 8660) to amend section 4 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, having carefully considered the bill, reports the same favorably without amendment.

The original bill, approved August 1, 1912, permitted compliance with the terms thereof within two years from the date of its approval' the compliance required was that they should expend $20,000, or contract to expend that sum, and to construct at least 2 miles of the proposed line within said two years. Owing to the financial depression existing in the islands the parties were unable to fully comply with these provisions, but they have in good faith deposited $5,000, the amount of the bond required in the original act, and they have earnestly been trying to carry out the provisions of the act and have expended $15,000 in so doing.

It is clear to the committee that the street railway system authorized by said act should be constructed, as it would greatly benefit the lands contiguous to the road and would be beneficial in every way to the development of the island. Nearly all of the lands adjacent to the road to be constructed are Government lands, and therefore the chief benefit from the construction of this road will be to lands belonging to the Territory of Hawaii.

Under date of July 15, the Department of the Interior has approved this bill, as will be seen by the letter hereto attached.

For these reasons the committee recommend the bill be passed without amendment.

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DEPARTMENT OF THE INTERIOR,
Washington, July 15, 1914.

Hon. JOHN F. SHAFROTH,
United States Senate.

MY DEAR SENATOR: Your letter of June 9 has been received, inclosing H. R. 8660, entitled "An act to amend section 4 of an act entitled 'An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii' approved August 1, 1912," and requesting to be advised as to whether this department has any objections thereto.

In response I have to state that immediately upon receipt of your letter Hon. Lucius E. Pinkham, Governor of Hawaii, was cabled as follows:

"Bill has passed House of Representatives, now before the Senate, amending paragraph 1, subsection E, act of Congress approved August 1, 1912, granting street railway franchise in the district of South Hilo, as follows:

"'The construction of the railway shall be commenced and at least $20,000 shall have been expended within four years after the passage of this act by Congress and at least 2 miles shall be completed, equipped, ready for transportation of passengers within two years after such commencement.'

"Are you aware of good reason why this amendment should not be approved by Congress?"

By cable of July 14, 1914, Gov. Pinkham replies:

"Amendment approved provided the four years is dated from August 1, 1912, original date."

The department has no objections to the bill other than that indicated in Gov. Pinkham's cable quoted above.

Yours, very truly,

BO SWEENEY, *Assistant Secretary.*

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 687.

MONUMENT TO FRANCIS SCOTT KEY AND THE SOLDIERS AND SAILORS WHO PARTICIPATED IN THE BATTLES OF NORTH POINT AND FORT McHENRY.

JULY 17, 1914.—Ordered to be printed.

Mr. SMITH of Maryland (for Mr. LEA of Tennessee), from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 5711.]

The Committee on the Library, to whom was referred the bill (S. 5711) providing for the appropriation of a sum of money for the erection at Fort McHenry, Baltimore, Md., of a monument to Francis Scott Key and the soldiers and sailors who participated in the Battle of North Point and the defense of Fort McHenry in the War of 1812, having given careful consideration to the same, recommend that it do pass.

No monument or other memorial has ever been erected by the Government in commemoration of the battles of North Point and Fort McHenry or the writing of the Star Spangled Banner by Francis Scott Key. It is the belief of the committee that these military engagements, and the writing of this song, constitute an important and decisive chapter in our history, and are events which shed luster upon the valor of American arms, and upon the brilliancy of American genius. Certainly they deserve to be perpetuated in the memory of our fellow countrymen and in no way can this be better accomplished than by the proposed monument to Key and the soldiers and sailors who participated in the battles which his song immortalized.

From September 6 to 13, 1914, the city of Baltimore and the State of Maryland will hold a Star Spangled Banner centennial celebration in Baltimore in commemoration of the battles of North Point and Fort McHenry and the birth of the Star Spangled Banner. It is believed that this celebration will furnish a most appropriate occasion to begin work on the proposed Key monument, and many Marylanders earnestly desire that an appropriation for that purpose be made now, in order that the beginning of its construction may be celebrated during the week referred to.

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The place for this monument is obviously on the grounds of old Fort McHenry, whose staff held the flag that inspired Key in the writing of his song. The amount authorized by the measure is reasonable, its object worthy, and the contemplation of this memorial should amply compensate for the outlay in the increased patriotism of our people.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 689.

GENERAL DEFICIENCY BILL, 1914.

JULY 17, 1914.—Ordered to be printed.

Mr. MARTIN of Virginia, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 17824.]

The Committee on Appropriations, to whom was referred the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes made.

Amount of bill as passed House	$4,594,365.42
Amount added by Senate (net)	1,485,414.92
Amount of bill as reported to Senate	6,079,780.34

The increases in amounts recommended by the committee are as follows:

State Department:

Payment to various insurance companies for property destroyed in the Territory of Hawaii in suppression of bubonic plague	$82,975.00

Treasury Department:

For public buildings, under limit of cost heretofore authorized:

Albia, Iowa	$5,000.00
Apalachicola, Fla	7,500.00
Athens, Tenn	5,000.00

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Treasury Department—Continued.

For public buildings, etc.—Continued.

Bad Axe, Mich	$4,800.00
Barbourville, Ky	4,300.00
Batavia, Ill	23,950.00
Bellefourche, S. Dak	4,500.00
Branford, Conn	11,000.00
Calumet, Mich	12,000.00
Canon City, Colo	13,500.00
Cape Charles, Va	3,700.00
Carroll, Iowa	8,000.00
Carrollton, Ill	5,000.00
Caruthersville, Mo	3,250.00
Chamberlain, S. Dak	3,500.00
Chandler, Okla	4,700.00
Charleston, Ill	9,000.00
Cheboygan, Mich	8,500.00
Cherokee, Iowa	10,600.00
Clinton, Ind	14,000.00
Clinton, S. C	5,500.00
Colfax, Wash	7,000.00
Comanche, Tex	5,000.00
Conway, Ark	2,000,00
Decatur, Ind	9,000.00
Donora, Pa	13,300.00
East Las Vegas, N. Mex	18,000.00
Eatonton, Ga	3,750.00
Eldorado, Kans	5,250.00
Elizabethton, Tenn	2,500.00
Elizabethtown, Ky	5,000.00
Fairmont, Minn	5,000.00
Fallon, Nev	5,000.00
Forrest City, Ark	4,500.00
Fort Plain, N. Y	8,000.00

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Treasury Department—Continued.

For public buildings, etc.—Continued.

Franklin, N. H	$24,500.00
Franklin, Tenn	7,450.00
Gallipolis, Ohio	12,500.00
Geneseo, Ill	10,000.00
Gilmer, Tex	5,000.00
Glasgow, Ky	7,500.00
Harrisonville, Mo	3,000.00
Hastings, Mich	6,750.00
Hodgenville, Ky	4,850.00
Hollidaysburg, Pa	12,000.00
Hoopeston, Ill	10,000.00
Houghton, Mich	25,000.00
Huntington, Tenn	2,500.00
Lakeland, Fla	10,000.00
Lebanon, Ind	9,800.00
Leesburg, Va	8,750.00
Lewistown, Pa	16,000.00
Linton, Ind	4,500.00
Lock Haven, Pa	22,500.00
Long Island City, N. Y	100,000.00
McKees Rocks, Pa	15,000.00
Manassas, Va	3,750.00
Mariana, Ark	6,500.00
Mariana, Fla	4,000.00
Martins Ferry, Ohio	15,000.00
Mendota, Ill	10,000.00
Midland, Mich	4,300.00
Metropolis, Ill	10,000.00
Milbank, S. Dak	4,000.00
Millersburg, Ohio	7,000.00
Mineral Point, Wis	4,500.00
Monroe, Ga	5,000.00

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Treasury Department—Continued.

For public buildings, etc.—Continued.

Monte Vista, Colo	$5,000.00
Morgan City, La	4,200.00
Mount Airy, N. C	5,000.00
Mount Olive, N. C	2,000.00
Mystic, Conn	4,000.00
Napoleon, Ohio	7,500.00
Nephi, Utah	5,000.00
Newcastle, Wyo	3,000.00
New Martinsville, W. Va	12,500.00
New Philadelphia, Ohio	12,500.00
Newton, Iowa	10,000.00
Noblesville, Ind	10,000.00
North Vernon, Ind	13,500.00
Oelwein, Iowa	8,000.00
Olney, Ill	6,500.00
Olyphant, Pa	13,500.00
Orange, Tex	5,000.00
Owego, N. Y	15,000.00
Pasco, Wash	10,000.00
Paxton, Ill	12,000.00
Pratt, Kans	7,400.00
Provincetown, Mass	8,000.00
Red Bluff, Cal	12,000.00
Ripon, Wis	10,400.00
Rhinelander, Wis	5 500.00
Rochester, Ind	8,200.00
Rogers, Ark	4,000.00
Russellville, Ark	6,000.00
St. Peter, Minn	2,000.00
San Pedro, Cal	6,000.00
Sayre, Pa	8,000.00
State College, Pa	15,685.00

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Treasury Department—Continued.

For public buildings, etc.—Continued.

Sykeston, Mo	$7,500.00
Thibodeaux, La	5,000.00
Thomas, Ga	5,000.00
Tullahoma, Tenn	7,000.00
Tyrone, Pa	24,000.00
Valparaiso, Ind	8,200.00
Vernal, Utah	4,750.00
Vineland, N. J	12,000.00
Washington, Mo	6,500.00
Waynesburg, Pa	15,500.00
Wilmington, Ohio	12,500.00
Woodstock, Va	4,250.00
Wyandotte, Mich	15,950.00
	1,038,685.00
Boston, Mass., customhouse, furniture equipment	75,000.00
Total, public buildings	1,113,685.00
Revenue Cutter Service:	
Repairs	6,444.50
Total Treasury Department	**1,120,129.50**

District of Columbia:

Library for the Blind	5,000.00

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War Department:

Payment to American Surety Co. of New York	$100,358.05
Payment to H. H. Downing and A. G. Weaver	5,000.00
Monument in memory of Francis Scott Key	75,000.00
Purchase of submarine mines, etc., in Philippine Islands	17,075.78
Total, War Department	197,433.83

Department of Justice:

United States penitentiary, Leavenworth, Kans	51.07

Department of Commerce:

Payment to Alaska Steamship Co	25.10
Payment to the Hartford & New York Transportation Co	121.42
	146.52

United States Senate	16,850.00
Judgments, United States courts	1,228.60
Judgments, Court of Claims	2,669.16
Certified claims	58,931.24
	62,829.00
Amount added by Senate	1,485,414.92
Amount of bill as reported to Senate	6,079,780.34

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 690.

RANK OF CERTAIN RETIRED ARMY OFFICERS.

JULY 18, 1914.—Ordered to be printed.

Mr. CATRON, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1151.]

The Committee on Military Affairs, to whom was referred the bill (S. 1151) to remedy in the line of the Army the inequalities in rank due to the past system of regimental promotion, have given the same careful consideration and report it back to the Senate with the recommendation that it do pass.

Measures for the relief sought have been presented to Congress for many years. In the Sixty-second Congress the officers on the active list were granted relief in the last clause of the Army appropriation bill approved March 3, 1911, but the provision did not apply to officers on the retired list.

The reasons favorable to the legislation enacted in the act of March 3, 1911, above referred to, were fully set forth in a memorandum of the Chief of Staff (Gen. Bell), which was transmitted to the chairman of the Committee on Military Affairs, House of Representatives, on April 1, 1908, by Secretary of War Taft, with remarks, in part, as follows:

> I have carefully read this bill (H. R. 16502) and the accompanying memorandum thereon by the Chief of Staff. I fully and cordially concur in this effort to bring about a gradual readjustment of rank for the sole purpose of promoting the greater efficiency of the Army. At the same time I think the officers who have lost rank through no lack of merit and no fault of their own have a just claim in equity and are entirely deserving of the relief contemplated by this bill.

RULES OF PROMOTION.

The Chief of Staff, in his memorandum, said:

> Under the system of promotion which so long prevailed, whereby officers were promoted by virtue of seniority in the regiment to include the grade of captain and of seniority in the arms through the field grades, many inequalities arose in the relative

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rank of officers and in the conditions which surrounded officers in the military service. This may be made clear by considering two officers, approximately of the same age, entering the service at the same date, but assigned to different regiments. In one regiment, where casualties through death, retirement, resignations, or other causes were frequent, the subaltern assigned there advanced with comparative rapidity through the grades of second and first lieutenant to captain and took his place on the lineal list for promotion through the field grades perhaps years before the other, assigned to a regiment where casualties were few, could reach it. If it is to be remembered that not two officers but every officer entering the service during this period entered under these conditions, the growth of inequalities in rank and position may be appreciated. Not only officers of the same age and date of commission were thus later widely separated, but not infrequently officers of long service were passed by their juniors in years and service. A captain under these conditions was likely at any time to see a man who had entered the service long after him become his post, battalion, or squadron commander.

It is to be borne in mind that no question of relative merit entered into the question of promotion under these rules, just as no such question enters into the problem that the proposed act is now intended to solve. Officers attained the higher grades through what may be termed the accident of law, or, as many believed, of incorrect construction of the law.

When this occurred through a rule that put promotion outside of the influence of individual effort or ability, it seems impossible to deny reasonable cause for those not favored by chance to feel themselves unwarrantably injured.

Furthermore, neither the proposed law nor any other can restore all that the losers have lost or take away anything the gainers have gained. The latter have held for many years rank and position and received increased pay that under an equitable system of promotion would have been secured to those who now seek future restoration only to their proper places. What has been lost in the past can not be restored, nor is it sought by this measure to attempt its restoration.

The proposed measure does not provide any relief for officers on the retired list who may have suffered equally in the past with others still in the active service.

In my judgment, therefore, the conclusion is inevitable that we are concerned here not so much with the law as with the equity of the case. If injustice has been done through the operation of law, and it matters not whether the law as applied was correctly interpreted or not, such injustice should be corrected if correction be possible, and provided, of course, that the methods employed do not result in a greater evil than the evil they are designed to remove.

The pending measure is for the relief of certain officers on the retired list, a number of whom are medal-of-honor men, and the reasons which induced legislation of 1911 for officers on the active list apply with still greater force to the officers on the retired list, for they have suffered longer and have an added claim for favorable consideration, because of their service in the Army during the Civil War. It applies to the officers on the retired list below the grade of brigadier general who served in the Army during the Civil War prior to April 15, 1865. The number now is about 152 officers, consisting of 20 colonels, 33 lieutenant colonels, 71 majors, 24 captains, and 4 first lieutenants. It is stated as an objection to the measure that these officers have been advanced a grade by the act of 1904 for their Civil War service. But the reasons which induced the legislation in 1911 in favor of the officers on the active list were not based upon nor had they any reference to Civil War service. The reasons for that legislation were fully and clearly stated by the Chief of Staff [Gen. Bell] in the memorandum above referred to, and they apply equally to the officers on the retired list, and hence the measure is drawn to apply to the advanced rank on which they were retired, and it gives them no greater relief than has been granted to the officers on the active list by the act of 1911.

The list includes some staff officers and many line officers, and on this point it is to be observed that there were great inequalities in

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promotion in the staff, as well as in the line, resulting from legislation which gave much more rapid promotion in some staff corps than in others, and the arguments advanced apply with equal force to those officers who saw their juniors in years and in date of original commission attain promotion which they could not reach, and in these cases, also, it should be remembered that there was no question of merit involved.

The measure does not affect the Army either in its discipline or in the prospect of any active officer for promotion. It can therefore be considered on its merits as a pure question of right without fear of discrimination against any officer.

Instead of a long and exhaustive search of the records to ascertain just what position an officer might have reached, and which might still result in injustice by reason of mistake or oversight or other cause, it is proposed to grant an advance of one grade for each period of 15 years' service (active or retired) in the Regular or Volunteer forces on or after April 15, 1861, provided that the rank conferred shall not exceed that of a brigadier general. This period of 15 years is a modification of a suggestion made by Gen. U. S. Grant that certain officers be advanced a grade for each period of 10 years on the retired list, and is a much greater period of time than that served by officers on the active list in any one grade. This provision, then, will give no greater promotion than that granted to officers on the active list by the act of 1911 and will be much easier to carry into execution.

Those who will be benefited by the measure feel that there has been further discrimination and favoritism in the matter of the selection of officers for promotion to the grade of brigadier general just prior to their retirement, and they feel the discrimination more keenly because much younger men with no Civil War record have been so promoted from the grades of major and lieutenant colonel and immediately retired. Thus, in their declining years, when naturally under greater expense, they find themselves resting not on an equality with their comrades, but in the unenviable position of having their juniors in years and in service retired with superior rank, a discrimination which subjects them to unjust comparisons and which can only be explained on the ground that some were more highly favored.

The War Department earnestly recommended the legislation referred to for officers on the active list "for the sole purpose of increasing the efficiency of the Army," but Secretary of War Dickinson withheld favorable recommendation for this measure for the relief of the retired officers similarly situated because of the need of economy. The expense involved is not great and will rapidly diminish, because the average age of the beneficiaries is over 75 years, and 22 have died in the past year and 40 in the past year and a half. The question whether it was right to grant the relief asked for was settled affirmatively by the act of 1911, but it was applied to the active list only. The officers on the retired list confidently rely for favorable action in their behalf upon the views expressed by Secretary Taft, that they have "a just claim in equity and are entirely deserving of the relief contemplated."

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Under the foregoing measure the 20 colonels and 33 lieutenant colonels would become brigadier generals, retired. The 71 majors would become colonels, retired. The 24 captains would become lieutenant colonels, retired. The 4 first lieutenants would become majors, retired.

The officers retired since the Civil War as major generals and brigadier generals without Civil War record number a total of 63. These 63 officers without Civil War record were promoted over the 185 officers of Civil War record, who pray for relief.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 694.

PUBLIC BUILDING AT GRAND JUNCTION, COLO.

JULY 20, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 4012.]

Four or five years ago a bill was passed for the construction of a public building at Grand Junction, Colo., and an appropriation made therefor of the sum of $100,000. Bids were solicited for the erection of the building within the limit of cost described, but the bids were entirely too high for the plans of the building submitted. It was found that Grand Junction is located upon a soil upon which it is difficult to construct a foundation; that it would be necessary to excavate to the extent of 30 feet and then lncase the concrete foundation in order to provide a good foundation for the structure.

Since the building at Grand Junction was authorized the parcel post has been added to the post-office business, which will require a great deal more space.

Grand Junction is a city at the junction of the two most important rivers of the western slope in Colorado, namely, the Grand and Gunnison Rivers. As railroads in mountainous countries always follow streams in order to get a good grade, Grand Junction is, and will forever continue to be, the most important commercial center of the western half of Colorado. It is surrounded by a fruit-growing country, the farms being limited usually to from 10 to 40 acres; the population, therefore, is quite large for the area of the land now under irrigation. A reclamation project is now under construction at or near Palisade, Colo., which will place under irrigation about 60,000 acres of land, a large part of which will be contiguous to the irrigated lands now adjacent to Grand Junction. The lands under this reclamation project are of the same character as the fruit lands now under irrigation near that city and will be settled densely as soon as the reclamation project is completed. That is likely to add twelve or fifteen thousand more of population to the immediate vicinity of Grand Junction.

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The Hon. Byron R. Newton, Assistant Secretary of the Treasury, made a report to your committee upon this bill and recommended that $100,000 additional be appropriated for the construction and completion of the public building at Grand Junction.

Quarters for the Reclamation Service at Grand Junction, for the Forestry Service at the same place, for the Weather Bureau, and for the post office there are very much needed and considerable rent is paid at the present time to provide offices for the said services.

Your committee therefore recommend that the bill be amended by striking out the figures "$250,000" in line 5 and inserting in lieu thereof "$200,000," and as amended your committee favorably report said bill.

TREASURY DEPARTMENT,
Washington, June 11, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: In compliance with your request, I have the honor to submit herewith the following report on Senate bills 2688 and 4012, which provide for an increase in the limit of cost of the United States public building at Grand Junction, Colo.:

The limit of cost authorized in the act of June 25, 1910, for the construction of the building is $100,000.

The work has been advertised and proposals submitted three times, but on account of insufficiency of funds it was necessary to reject all proposals. When the third set of proposals were submitted the plans called for a one-story building only, for the accommodation of the post office exclusively, although there are several other branches which require space, viz:

Reclamation Service	1,422 square feet, annual rental	$750
Forest Service	1,140 square feet, annual rental	300
Weather Bureau	752 square feet, annual rental	480
Civil Service Commission	500 square feet, annual rental	
Department of Justice	300 square feet, annual rental	

The amount of rent now paid for post-office quarters is $1,000, the receipts for the fiscal year 1913 were $33,223.92, against 13,219.70 for that of 1903.

The population of the town in 1910 was 7,754, and the number of persons served from the post office is approximately 15,000.

Attention is invited to the unusual soil conditions existing in this locality, and the consequent large increase in the cost of securing good foundations. The soil is highly impregnated with alkali, making it necessary to exercise every precaution for the protection of concrete, brick, and other masonry from disintegration and complete destruction. It is estimated that in order to provide for all branches of the service a two-story and basement building, with a ground area of 8,000 square feet, will be required, and that the cost of such a building, faced with brick with stone trimmings, and using fireproof construction, will be $200,000, or an increase of $100,000 in the present limit of cost.

It is recommended that the present legislation be amended so as to provide for the accommodation of the post office and other governmental offices.

Respectfully,

(Signed) W. G. McADOO, *Secretary.*

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 698.

UNLAWFUL RESTRAINTS AND MONOPOLIES.

JULY 22, 1914.—Ordered to be printed.

Mr. CULBERSON, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 15657.]

The Committee on the Judiciary, having had under consideration the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, report the same to the Senate with the recommendation that it be amended as shown on the face of the bill, and that, as amended, it do pass.

It is well, at the outset, to state the theory of the bill, both as it passed the House of Representatives and as it is proposed to be amended, for the general scope of the House measure is unchanged. It is not proposed by the bill or amendments to alter, amend, or change in any respect the original Sherman Antitrust Act of July 2, 1890. The purpose is only to supplement that act and the other antitrust acts referred to in section 1 of the bill. Broadly stated, the bill, in its treatment of unlawful restraints and monopolies, seeks to prohibit and make unlawful certain trade practices which, as a rule, singly and in themselves, are not covered by the act of July 2, 1890, or other existing antitrust acts, and thus, by making these practices illegal, to arrest the creation of trusts, conspiracies, and monopolies in their incipiency and before consummation. Among other of these trade practices which are denounced and made unlawful may be mentioned discrimination in prices for the purpose of wrongfully injuring or destroying the business of competitors; exclusive and tying contracts; holding companies; and interlocking directorates.

Existing antitrust acts are further supplemented by a provision that whenever a corporation shall violate the antitrust acts such

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violation shall be regarded as that also of the individual directors and officers of the corporation who shall have authorized, ordered, or committed any of the acts constituting such violation, thus fixing the personal guilt of the officials of the corporation who are responsible for the infraction of the law.

The other important and general purposes of the bill are to exempt labor, agricultural, horticultural, and other organizations from the operation of the antitrust acts; to regulate the issuance of temporary restraining orders and injunctions generally by the Federal courts, and particularly in labor controversies, and to make provision for the trial by jury of contempts committed without the presence of the court.

The following is the analysis of the bill as made by the Committee on the Judiciary of the House of Representatives in their report recommending its passage:

"ANALYSIS OF THE BILL.

I.

DEFINITIONS OF TERMS.

Section 1 of the bill defines technically for the purposes of this bill certain words, phrases, and terms used in the body of the bill. The definitions thus given are designed merely for convenient reference and to avoid repetition. The definition of commerce, it will be observed, is broadened so as to include trade and commerce between any insular possessions or other places under the jurisdiction of the United States, which at present do not come within the scope of the Sherman antitrust law or other laws relating to trusts. The act approved July 2, 1890, and commonly referred to as the Sherman law, and supplementary legislation pertaining to the same subject, are restricted in application to commerce among the several States and Territories, the District of Columbia, and with foreign nations. Your committee can conceive of no good reason why the insular possessions or other places now under the jurisdiction of the United States should not be included within the provisions of our antitrust laws, and with this idea in view we have accordingly in this bill broadened the scope of these laws so as to make them applicable to all places under the jurisdiction of the United States.

II.

PRICE DISCRIMINATIONS.

Section 2 of the bill is intended to prevent unfair discriminations. It is expressly designed with the view of correcting and forbidding a common and widespread unfair trade practice whereby certain great corporations and also certain

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smaller concerns which seek to secure a monopoly in trade and commerce by aping the methods of the great corporations, have heretofore endeavored to destroy competition and render unprofitable the business of competitors by selling their goods, wares, and merchandise at a less price in the particular communities where their rivals are engaged in business than at other places throughout the country. This section expressly forbids discrimination in price between different dealers of commodities that are sold for use, consumption, or resale within the United States or any place within its jurisdiction, when such discrimination is made with the purpose or intent to thereby destroy or wrongfully injure the business of a competitor, either of such dealer or seller. It will be observed that the language used makes this section applicable only to domestic commerce, or, in other words, its application is restricted to commerce carried on in the United States, or in places under the jurisdiction thereof, and has no reference to commodities sold either in this country or abroad which are intended solely for our export trade. The violation of any of the provisions of this section is made a misdemeanor, and is made punishable by fine or imprisonment, or both. There are two provisos in this section which are important. The first proviso permits discrimination in prices of commodities on account of differences in grade, quality, and quantity of the commodity sold, or that makes only due allowance for difference in the cost of transportation. The second proviso permits persons selling goods, wares, and merchandise in commerce to select their own customers, except as provided in section 3, which will be considered later. The necessity for legislation to prevent unfair discriminations in prices with a view of destroying competition needs little argument to sustain the wisdom of it. In the past it has been a most common practice of great and powerful combinations engaged in commerce—notably the Standard Oil Co., and the American Tobacco Co., and others of less notoriety, but of great influence—to lower prices of their commodities, oftentimes below the cost of production in certain communities and sections where they had competition, with the intent to destroy and make unprofitable the business of their competitors, and with the ultimate purpose in view of thereby acquiring a monopoly in the particular locality or section in which the discriminating price is made. Every concern that engages in this evil practice must of necessity recoup its losses in the particular communities or sections where their commodities are sold below cost or without a fair profit by raising the price of this same class of commodities above their fair market value in other sections or communities. Such a system or practice is so manifestly unfair and unjust, not only to competitors who are directly injured thereby but to the general public, that your committee is strongly of the opinion that the present antitrust laws ought to be supplemented by making this particular form of discrimination a specific

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offense under the law when practiced by those engaged in commerce.

The necessity for such legislation is shown by the fact that 19 States have enacted laws forbidding this particular form of discrimination within their borders. These State statutes have practically all been enacted in the last few years, and most of them in the years 1911, 1912, and 1913. It is important that these State statutes be supplemented by additional legislation by Congress, for it is now possible for one of these great corporations doing business in not only the 48 States but throughout the world to lower the prices of its commodities in a particular State and sell within that State at a uniform price in compliance with State laws, and thereby destroy the business of all independent concerns and competitors operating within the State. The loss incurred by such gigantic effort in destroying competition can be more than regained by general increase in the prices of their commodities in other sections. In fact, complaint has been made to your committee that efforts have been made by certain great corporations engaged in commerce in some of the States which have enacted statutes forbidding such discrimination to circumvent the State laws by the methods above described. In seeking to enact section 2 into law we are not dealing with an imaginary evil or against ancient practices long since abandoned, but are attempting to deal with a real, existing, widespread, unfair and unjust trade practice that ought at once to be prohibited in so far as it is within the power of Congress to deal with the subject. This we think is accomplished by section 2 of this bill. As further showing the necessity for such legislation, we call attention to the States which have heretofore adopted statutes varying in form but for the purpose of preventing unfair discriminations in price, as follows:

1. Arkansas, act 1905, as amended March 12, 1913.
2. Idaho, antitrust act of 1911.
3. Iowa, Revised Statutes.
4. Louisiana, act of 1908.
5. Missouri, Revised Statutes.
6. Nebraska, act of 1913.
7. New Jersey, act 1913.
8. North Carolina, act 1913.
9. Oklahoma, act 1913.
10. South Carolina, act 1902.
11. Utah, act 1913.
12. Wisconsin, act 1913.
13. Wyoming, Revised Statutes, 1911.
14. Kansas, act 1905.
15. Michigan, act 1913.
16. Massachusetts, act 1912.
17. Montana, act 1913.
18. North Dakota, act of 1913.
19. California, act 1913.

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III.

MINE PRODUCTS.

Section 3 of the bill makes it unlawful for the owner or operator of a mine, or the person controlling the sale of the product thereof in commerce, to arbitrarily refuse to sell such product to a responsible person who applies to purchase the same. This section, like section 2, is limited in its application to the United States and to places under the jurisdiction thereof, and has no reference to persons desiring to purchase such a product for export sale. In that case the seller is permitted to arbitrarily refuse to sell to a responsible bidder, for otherwise a foreign dealer being responsible might purchase the entire output of a mine, to the detriment of manufacturers and dealers in the United States and the owner be powerless to prevent it. The section is based on the broad conservation idea that natural products such as iron, coal, and other minerals, stored in the earth as the result of nature's laws should not be monopolized by the mere acquisition of the title to the lands which contain such resources. The design is to prevent those who have acquired or may acquire a monopoly or partial monopoly of mines from discriminating against certain manufacturers, railroads, or other persons who need the products of the mines in carrying on their industries where the commodity is used in its crude state, as coal, and, further, to prevent arbitrary discrimination against responsible purchasers who desire to obtain such products for use or consumption or for resale to persons who desire to purchase same for use or consumption.

This provision is new, but in view of the fact that many railroad corporations, the United States Steel Corporation, and other corporations have acquired and own, either directly or indirectly, through the medium of subsidiary corporations, vast areas of land containing coal, iron, and copper and other minerals in common use, we feel that this legislation is needed and fully justified. By its enactment into law we make it impossible for mere ownership of mines to enable the owners or those disposing of the products thereof to direct the disposal of such products into monopolistic channels of trade. It will liberate from the power of the trust every small manufacturer who is compelled to go into the open market for his raw material and every person who desires to purchase coal for use or for resale to those who desire to purchase for use or consumption, and will afford to every such manufacturer an opportunity to purchase same for cash wherever offered for sale in commerce. The section expressly forbids the mine owner or person controlling the sale of the product of the mine to arbitrarily refuse to sell such product to any responsible purchaser, and thereby prevents the mine owner or operator from giving the preference to another and rival dealer in the disposal of such product.

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IV.

EXCLUSIVE AND "TYING" CONTRACTS.

Section 4 of this bill has apparently been much misunderstood, and great confusion seems to have arisen in regard to its provisions. Whether designedly or from a misunderstanding of its purport, we know not, but it has been contended very earnestly that its provisions prevent exclusive or sole agencies. It not only does not prohibit or forbid exclusive agencies, but on the contrary it in no way whatever relates to agencies properly so termed. Let us therefore consider what this section really accomplishes. It prohibits the exclusive or "tying" contract made between the manufacturer and the dealer by purchase or lease, whereby the latter agrees, as a condition of his contract, not to use or deal in the commodities of the competitor or rival of the seller or lessor. It is designed merely to prevent this unfair trade practice now so common throughout the country, and which is generally regarded by everyone who has given the subject any serious consideration as unjust to the local dealer and to the community and as monopolistic in its effects. The section provides that any person engaged in commerce who either leases or makes a sale of goods, wares, and merchandise in the United States or in any places under its jurisdiction on the condition or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodities of a competitor of either the lessor or seller shall be deemed guilty of a misdemeanor and punished as provided in the section. The words "or fix a price charged therefor or discount therefrom or rebate upon such price" are merely descriptive of the different methods used by the manufacturers to induce the dealer or local merchant to enter into this exclusive or "tying" contract, which obligates him to surrender a right which every dealer should enjoy, namely, to handle any manufacturer's goods, wares, or merchandise he sees fit to handle. Of course, the manufacturer must offer some very flattering and extraordinary inducements on his part, for otherwise no dealer would be foolish enough to enter into any such contract. The first inducement in every case must of necessity relate to price.

By fixing the price so high that the retail dealer will make an extraordinary or unusual profit on the commodities actually sold, the manufacturer is enabled to induce him to enter into an arrangement whereby the local dealer can actually increase his profits for the time being at least by giving up his entire trade in competitive commodities which he is compelled to handle on a small margin. But, rest assured that when the local dealer enters into such a contract and gives up a portion of his trade to rivals, he at once attempts by the aid of the manufacturer to establish a monopoly in the trade of the commodity handled under the exclusive contract and sold at a higher profit. If the

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transaction results in completely driving out competitive articles from the community as the contract by its terms takes them out of the business of the local dealer, there can be little room to question the contention of the advocates of this system that both the manufacturer and the dealer are benefited by the transaction. If on the contrary the local merchant who has tied his hands by an exclusive contract can not drive out of the community competitive articles and thereby secure a monopoly of the trade in his immediate locality, it is manifest that he has been seriously hampered and injured in his business by the restrictions placed upon him by his contract. But, the advocates of this system and practice of monopoly, in dealing with this question never look beyond the manufacturer or the local dealer to the millions of American consumers who are compelled to purchase daily the necessary food, raiment, and all the necessities of life through the ordinary channels of trade in their respective communities. What about the interest of consumers—the general public—the American people, as a whole? How do they fare under this unnatural arbitrary system and trade practice devised by American manufacturers and put in operation by great and powerful combinations in trade for their own enrichment and with the ultimate view of obtaining a complete monopoly in their special line of industry? Undoubtedly, the system results in higher prices to consumers. Great department stores, and mail-order houses flourish under it. Local customers can not purchase or obtain at their local stores particular commodities desired and often necessary and hence are compelled to send their money abroad in order to secure the desired commodity which ought under any fair system to be procurable in their local community through their local dealer. On account of this very condition, the temptation to the local merchant is very strong to break away from his contract and to deal in the commodities of others. The needs of his customers demand constantly that he should do so.

The customer having once gone to another dealer or procured the desired commodity through a mail-order house may not return to his local dealer and the goods purchased under an exclusive or "tying" contract may remain on the shelves of the local merchant unsold. The local dealer has invested his money in them; he has paid for them; they belong to him. But the manufacturer has a contract that binds him not to deal in other like commodities. So every such contract provides for a discount from or rebate upon such price as a further inducement for the local merchant or retailer to enter into a discriminating contract which ties his hands. What is the result? Let us see. What is the motive and purpose of the manufacturer in making or entering into such exclusive contract? It is undoubtedly his purpose to drive out competition and to establish a monopoly in the sale of his commodities in that particular community or locality. His contract by its express terms completely shuts out com-

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petition in the business of the local dealer with whom he makes it. The dealer bound by this exclusive contract not to handle the goods, wares, and merchandise of another becomes the ally of the manufacturer in his effort and purpose to drive out competition in the locality or community in which such commodities are sold. This is done by means of extensive advertising, and let it be borne in mind also that this advertising is added in the price of the commodities and paid for by the consumer. If by the combined efforts of the manufacturer and the local dealer and the glowing and overdrawn and oftentimes false advertisements competitors are compelled to retire from the field, a monopoly in the particular community or locality is the invariable result. In this connection it is important to state that to-day in every village and locality where there is only a single store and this exclusive or "tying" contract is entered into between the manufacturer and the local dealer concerning any commodity, the exclusive or "tying" contract gives both the manufacturer and the local dealer a complete monopoly of that particular commodity in the locality or community. That the effect of such a system is detrimental to the consumers and to the general public can not be questioned for a moment.

The public is compelled to pay a higher price and local customers are put to the inconvenience of securing many commodities in other communities or through mail-order houses that can not be procured at their local stores. The price is raised as an inducement. This is the local effect. Where the concern making these contracts is already great and powerful, such as the United Shoe Machinery Co., the American Tobacco Co., and the General Film Co., the exclusive or "tying" contract made with local dealers becomes one of the greatest agencies and instrumentalities of monopoly ever devised by the brain of man. It completely shuts out competitors, not only from trade in which they are already engaged, but from the opportunities to build up trade in any community where these great and powerful combinations are operating under this system and practice. By this method and practice the Shoe Machinery Co. has built up a monopoly that owns and controls the entire machinery now being used by all great shoe-manufacturing houses of the United States. No independent manufacturer of shoe machines has the slightest opportunity to build up any considerable trade in this country while this condition obtains. If a manufacturer who is using machines of the Shoe Machinery Co. were to purchase and place a machine manufactured by any independent company in his establishment, the Shoe Machinery Co. could under its contracts withdraw all their machinery from the establishment of the shoe manufacturer and thereby wreck the business of the manufacturer. The General Film Co., by the same method practiced by the Shoe Machinery Co. under the lease system, has practically destroyed all competition and acquired a virtual monopoly of all films manu-

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factured and sold in the United States. When we consider contracts of sales made under this system, the result to the consumer, the general public, and the local dealer and his business is even worse than under the lease system.

The local dealer is required under the contract system to purchase and pay for each article secured for his business. He is required to contract for purchase on condition that he will not deal in like articles manufactured by competitors. If he can not sell the commodities so purchased, he must go out of business. It was shown in testimony before the committee during the recent hearings that a certain automobile manufacturing company, with a capital of only $2,000,000, had made a profit of $25,000,000 net on their investment in a single year. Was that a profit on the $2,000,000 actually invested by the manufacturing company? Not at all. It was the profit on that $2,000,000 supplemented by many times that many millions actually invested by local dealers in the machines of that company by so-called selling agencies throughout the country. The selling agencies are not in reality agencies at all, but are purchasers and owners of machines who have paid the full price therefor under contracts conditioned that these same dealers will not deal in the machines of any competitor or rival company. These extraordinary profits have been made largely on money actually invested in machines by customers, hundreds of which remain unsold in the possession of the local dealer. This illustration alone is sufficient to show the absolute unfairness of any such practice or system. The system is wholly bad for consumers and the general public, and in its last analysis detrimental to the interests of local dealers generally. We have penalized this practice under the provisions of section 4 and made it a misdemeanor punishable as prescribed in the section.

V.

SUPPLEMENT SECTION 7 OF SHERMAN ACT.

Section 5 is supplementary to the existing laws, and extends the remedy under section 7 of the Sherman Act to persons injured in their business or property by the wrongful acts of persons or combinations violating any of the antitrust laws, and allows the recovery of threefold damages therefor.

VI.

DECREE ADMISSIBLE IN OTHER SUIT.

Section 6 provides that a final decree obtained by the United States in a suit to dissolve a corporation or unlawful combination may be offered in evidence in a suit brought by a private suitor for damages under the antitrust laws by reason of the unlawful acts of the defendant corporation, and that when such decree or judgment is so offered it shall

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be conclusive evidence of the same facts and be conclusive as to the same questions of law as between the parties in the original suit or proceeding. This section also provides that the statutes of limitations shall be suspended in favor of private litigants who have sustained damage to their property or business by the wrongful acts of the defendant during the pendency of the suit or proceeding instituted by or on behalf of the United States. The entire provision is intended to help persons of small means who are injured in their property or business by combinations or corporations violating the antitrust laws.

It is in keeping with a recommendation made by the President in his message to Congress on the general subject of trusts and monopolies.

VII.

FRATERNAL, LABOR, AND OTHER ORGANIZATIONS.

The object of section 7 is to make clear certain questions about which doubt has arisen as to whether or not fraternal, labor, consumers, agricultural, or horticultural organizations, orders, or associations organized for mutual help, not having capital stock or conducted for profit, come within the scope and purview of the Sherman antitrust law in such way as to warrant the courts under interpretations heretofore given to that law to enter a decree for the dissolution of such organizations, orders, or associations upon a proper showing, as may be done in regard to industrial corporations and combinations which have been found to be guilty of violation of its provisions.

A second paragraph is inserted in this section to remove a question of doubt as to whether associations of traffic, operating, accounting, or other officers of common carriers for the purpose of conferring among themselves or of making any lawful agreement as to any matter which is subject to the regulating or supervisory jurisdiction of the Interstate Commerce Commission, come within the prohibitions of the antitrust laws.

It was contended before your committee by Mr. Gompers, president of the American Federation of Labor, that under the interpretations of the Sherman law as construed by the courts, the labor organizations as they exist to-day might, under certain conditions, be deemed and held illegal combinations in restraint of trade and be dissolved by a decree of the court under section 4 of the act of July 2, 1890, and that the American Federation of Labor and all organizations affiliated with it exist and operate to-day at the sufferance of the administration in power. Mr. Gompers, among other things in his address before the committee, said:

> Gentlemen, under the interpretation placed upon the Sherman antitrust law by the courts, it is within the province and within the power of any administration at any time to begin proceedings to dissolve any organization of labor in the United States and to take charge of and receive whatever funds any worker or organization may have wanted to contribute or felt that it is his duty to contribute to the organization.

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Mr. WEBB. Are there any suits pending in the courts now looking to this end, Mr. Gompers?

Mr. GOMPERS. There are no suits now pending, but an organization of workingmen, the window-glass workers, was dissolved by order of the court under the provisions of the Sherman antitrust law, charged with conspiracy as an illegal combination in restraint of trade. And while that organization was dissolved by action of the court, yet it created no furor, for this reason: I have no desire to reflect upon the men who are in charge of that organization as its officers and representatives, but it was, in my judgment, supine cowardness for them not to resist an attempt of the dissolution of their associated effort as a voluntary organization of men to protect the only thing they possessed—the power to labor.

Mr. WEBB. Have you any case where a labor organization has been dissolved simply because they themselves united in asking or fixing a certain wage and went no further in uniting with the manufacturers?

Mr. GOMPERS. I can not tell you, sir, about that. But that is the very essence of the life of the organization. What I want to convey is this, that there are probably, of these 30,000 or more local associations of workingmen, what we call local unions of working men and working women, probably more than two-thirds of whom have agreements with employers. As a matter of fact, I think that every observer and every humanitarian who knows greeted with the greatest satisfaction the creation of the protocol in the sweated industries of New York City and vicinity which abolished sweatshops and long hours of labor, and the burdensome, miserable toil prevailing, and established the combination of employers and of work men and work women by which certain standards are to be enforced, and no employer can become a member of the manufacturers' association in that trade unless he is willing to undersign an agreement by which the conditions prevailing in the protocol will be inaugurated by him. Yet, under the provisions of the Sherman antitrust law that association of manufacturers has been sued, I think, for something like $250,000, because it is a conspiracy in restraint of trade.

What I mean to say is this: I am perfectly satisfied in my own mind that the Attorney General of this administration, the Attorney General of the United States under the present administration, is not going to dissolve or make any attempt to dissolve the organizations of the working people of this country. I firmly believe that if there should be any of them, any individual or an aggregation of individuals, guilty of any crime, that the present administration would proceed against them just as readily, and perhaps more so, as any other; I am speaking of the procedure against the organizations themselves and the dissolution of them. But who can tell whether this administration is going to continue very long, or whether the same policy is going to be pursued; that is, the policy of permitting these associations to exist without interference or attempts to isolate them? Who can tell? What may come; what may not the future hold in store for us working people who are engaged in an effort for the protection of men and women who toil to make life better worth living? We do not want to exist as a matter of sufferance, subject to the whims or to the chances or to the vindictiveness of any administration or of an administration officer. Our existence is justified not only by our history, but our existence is legally the best concept of what constitutes law. It is an outrage; it is an outrage of not only the conscience; it is not only an outrage upon justice; it is an outrage upon our language to attempt to place in the same category a combination of men engaged in the speculation and the control of the products of labor and the products of the soil on the one hand and the associations of men and women who own nothing but themselves and undertake to control nothing but themselves and their power to work.

Mr. FLOYD. I want to see if I understand your position. If I understand your position under the existing status of the law as determined by the Federal courts, if the Attorney General should proceed to dissolve any of your labor organizations they could be dissolved. Is that your proposition?

Mr. GOMPERS. Yes, sir.

Mr. FLOYD. And that your existence, therefore, depends upon the sufferance of the administration which happens to be in power for the time being?

Mr. GOMPERS. Yes, sir.

Mr. FLOYD. What you desire is for us to give you a legal status under the law?

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Mr. GOMPERS. Yes, sir.

Mr. FLOYD. So you can carry on this cooperative work on behalf of the laborers of the country and of the different organizations without being under the ban of the existing law?

Mr. GOMPERS. Yes, sir.

In the light of previous decisions of the courts and in view of a possible interpretation of the law which would empower the courts to order the dissolution of such organizations and associations, your committee feels that all doubt should be removed as to the legality of the existence and operations of these organizations and associations, and that the law should not be construed in such a way as to authorize their dissolution by the courts under the antitrust laws or to forbid the individual members of such associations from carrying out the legitimate and lawful objects of their associations. This will be accomplished by the provisions of section 7 of this bill, which recognize as legal the existence and operations of fraternal, labor, consumers, agricultural, or horticultural organizations, orders, or associations organized for purposes of mutual help, and not having capital stock or conducted for profit, and forbids the danger and possibility of the dissolution of such organizations, orders, or associations by a decree of the courts as unlawful combinations in restraint of trade or commerce under the provisions of the antitrust laws. It also guarantees to individual members of such organizations, orders, or associations, the right to pursue without molestation or legal restraint the legitimate objects of such association. This section should be construed in connection with sections 15 to 22, inclusive, which regulate the issuance of injunctions and provide for jury trials in certain cases of contempts in Federal courts. The sections relating to injunctions and contempts constitute for labor a complete bill of rights in equitable proceedings in United States courts.

This section further provides that nothing contained in the antitrust laws shall be construed to forbid associations of traffic, operating, accounting, or other officers of common carriers for the purpose of conferring among themselves or of making any lawful agreement as to any matter which is subject to the regulating or supervisory jurisdiction of the Interstate Commerce Commission. In actual practice the officers of common carriers in the interest of the public and to avoid complications must necessarily confer with the officers of other railroad companies, but as all agreements or arrangements made between them are subject to the jurisdiction of the Interstate Commerce Commission, your committee consider it but just to make clear that such associations are not in violation of the Sherman Act. When the desirability of this provision was brought to the attention of the committee, the question was referred to the Interstate Commerce Commission by the chairman of the committee for its opinion in regard to the proposed legislation, and this provision as drawn is in keeping with the views of the Interstate Commerce Commission.

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VIII.

HOLDING COMPANIES.

Section 8 deals with what is commonly known as the "holding company," which is a common and favorite method of promoting monopoly. "Holding company" is a term, generally understood to mean a company that holds the stock of another company or companies, but as we understand the term a "holding company" is a company whose *primary* purpose is to hold stocks of other companies. It has usually issued its own shares in exchange for these stocks, and is a means of holding under one control the competing companies whose stocks it has thus acquired. As thus defined a "holding company" is an abomination and in our judgment is a mere incorporated form of the old-fashioned trust. Most of the corporations engaged in interstate commerce are organized under the laws of one or the other of the States. It is right that this should be so, and it is right that the various States, each of which has the right to exclude corporations of any other State from its borders, should exhibit comity to these other States, and that the Federal Government, which perhaps has the right to exclude corporations of any State from interstate commerce, should exhibit comity to all the States.

At common law a corporation had no right to own stock in another corporation, but from time to time the various States have, by special statutes, permitted it, until now certainly more than a majority of all the States permit corporate stockholding either generally or of certain kinds and under certain conditions. This legislation in its early operation may have served a useful, economic purpose. Trade and commerce could do as well without steam and electricity as without the idea of the commercial unit which is embodied in the word "corporation." Hence there are certain corporations which may properly be interested with individuals other than its own stockholders, but experience has taught us that the "holding company" as above described no longer serves any purpose that is helpful to either business or the community at large when it is operated purely as a "holding company." Section 8 is intended to eliminate this evil so far as it is possible to do so, making such exceptions from the law as seem to be wise, which exceptions have been found necessary by business experience and conditions, and the exceptions herein made are those which are not deemed monopolistic and do not tend to restrain trade.

IX.

INTERLOCKING DIRECTORATES.

Section 9 of the bill deals with the general subject of interlocking directorates. The President, in his message deliv-

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ered before Congress on January 20, 1914, on the subject of trusts and monopolies, among other things, said:

> We are all agreed that "private monopoly is indefensible and intolerable," and our program is founded upon that conviction. It will be a comprehensive but not a radical or unacceptable program, and these are its items, the changes which opinion deliberately sanctions and for which business waits:
>
> It waits with acquiescence, in the first place, for laws which will effectually prohibit and prevent such interlockings of the *personnel* of the directorates of great corporations—banks and railroads, industrial, commercial, and public-service bodies—as in effect result in making those who borrow and those who lend practically one and the same, those who sell and those who buy but the same persons trading with one another under different names and in different combinations, and those who affect to compete in fact partners and masters of some whole field of business. Sufficient time should be allowed, of course, in which to effect these changes of organization without inconvenience or confusion.
>
> Such a prohibition will work much more than a mere negative good by correcting the serious evils which have arisen because, for example, the men who have been the directing spirits of the great investment banks have usurped the place which belongs to independent industrial management working in its own behoof. It will bring new men, new energies, a new spirit of initiative, new blood, into the management of our great business enterprises. It will open the field of industrial development and origination to scores of men who have been obliged to serve when their abilities entitled them to direct. It will immensely hearten the young men coming on and will greatly enrich the business activities of the whole country.

In drafting the provisions of section 9 your committee has endeavored to carry out the recommendations of the President. In order that the corporations affected may have ample time in which to readjust their boards of directors in keeping with the requirements of this act, it is expressly provided that the provisions of this section shall not become effective until two years after the date of the approval of the act. This section is divided into three paragraphs, each of which relates to the particular class of corporations described, and the provisions of each paragraph are limited in their application to the corporations belonging to the class named herein.

The first paragraph deals with the eligibility of directors in interstate-railroad corporations, and provides that no person who is engaged as an individual or who is a member of a partnership or is a director or other officer of a corporation engaged in the business of producing or selling equipment, materials, or supplies, or in the construction or maintenance of railroads or other common carriers engaged in commerce, shall act as a director or other officer or employee of any other corporation or common carrier engaged in commerce to which he or such partnership or corporation sells or leases, directly or indirectly, equipment, material, or supplies, or for which he or such partnership or corporation, directly or indirectly, engages in the work of construction or maintenance. It is further provided in this paragraph that no person who is engaged as an individual or who is a member of a partnership, or is a director or other officer of a corporation which is engaged in the conduct of a bank or trust company, shall act as a director or other officer or

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employee of any common carrier for which he or such partnership, or bank, or trust company, acts, either separately or in connection with others, as agent for or underwriter of the sale or disposal by such common carrier of issues or parts of issues of its securities, or from which he or such partnership or bank or trust company purchases, either separately or in connection with others, issues or parts of issues of securities of such common carriers. The provisions of this paragraph prevent absolutely common directors or interlocking directors between corporations occupying relations to each other described therein, without any reference to the capital, surplus, and undivided profits of the corporations dealing with each other.

The second paragraph of the bill deals with the eligibility of directors, officers, and employees of banks, banking associations, and trust companies organized or operating under the laws of the United States, either of which has deposits, capital, surplus, or undivided profits aggregating more than $2,500,000, and provides that no private banker or person who is a director in any bank or trust company organized and operating under the laws of a State having such aggregate amount of deposits, capital, surplus, and undivided profits shall be eligible to be a director in any bank or banking association organized or operating under the laws of the United States. The purpose of this provision, which relates exclusively to banks and banking associations, is to prevent as far as possible control of great aggregations of money and capital through the medium of common directors between banks and banking associations, the object being to prevent the concentration of money or its distribution through a system of interlocking directorates. Your committee have not deemed it necessary or wise, therefore, to include within the provisions of this paragraph the smaller banks throughout the country, except where located in cities and towns of more than 100,000 inhabitants. There are three provisos relating to this paragraph. The first proviso excepts from its provisions mutual savings banks not having capital stock represented by shares. The second proviso permits a director, officer, or employee of a bank or banking association or trust company to be a director, officer, or employee in another bank or trust company organized under the laws of the United States or any State where the entire capital stock of one is owned by stockholders in the other. And the third proviso allows a director of class A of a Federal reserve bank, as defined in the Federal reserve act, to be a director or officer, or both a director and officer, in one member bank. This is permitted by the provisions of the Federal reserve act, and this proviso is inserted to avoid repealing that provision.

The third paragraph of section 9 deals with the eligibility of directors in industrial corporations engaged in commerce, and provides that no person at the same time shall be a director in any two or more corporations, either of which has capital, surplus, and undivided profits aggregating more than

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$1,000,000, other than common carriers which are subject to the act to regulate commerce, if such corporations are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that an elimination of competition by agreement between them would constitute a violation of any of the provisions of the antitrust laws. In this, as in the preceding paragraph relating to banks, it was not deemed necessary or advisable that interlocking directorates should be prohibited between the smaller industrial corporations. The importance of the legislation embodied in section 9 of this bill can not be overestimated. The concentration of wealth, money, and property in the United States under the control and in the hands of a few individuals or great corporations has grown to such an enormous extent that unless checked it will ultimately threaten the perpetuity of our institutions. The idea that there are only a few men in any of our great corporations and industries who are capable of handling the affairs of the same is contrary to the spirit of our institutions. From an economic point of view, it is not possible that one individual, however capable, acting as a director in fifty corporations, can render as efficient and valuable service in directing the affairs of the several corporations under his control as can fifty capable men acting as single directors and devoting their entire time to directing the affairs of one of such corporations. The truth is that the only real service the same director in a great number of corporations renders is in maintaining uniform policies throughout the entire system for which he acts, which usually results to the advantage of the greater corporations and to the disadvantage of the smaller corporations which he dominates by reason of his prestige as a director and to the detriment of the public generally.

As the President has well said in his message, the adoption of the provisions of this section will bring new men, new energies, new spirit of initiative, and new blood into the management of our business enterprises. It will open the field of industrial development and origination to scores of men who have been obliged to serve when their abilities entitled them to direct. It will immensely hearten the young men coming on and will greatly enrich the business activities of the whole country.

X.

VENUE.

Section 10 relates to procedure and provides that any suit, action, or proceeding under the antitrust laws against a corporation may be brought not only in the judicial district whereof it is an inhabitant but also in any district wherein it may be found. Under the law as it now exists, a suit against a corporation must be brought in the district whereof it is an inhabitant.

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XI.

SUBPŒNAS RUN INTO OTHER DISTRICTS.

Section 11 provides that in any suit, action, or proceeding brought by or on behalf of the United States, subpœnas for witnesses who are required to attend a court of the United States in any judicial district in any case, civil or criminal, arising under the antitrust laws, may run into any other district. Under the existing law, subpœnas for witnesses in such suits may run only in the district in which they are issued.

XII.

PERSONAL GUILT.

Section 12 is the personal guilt provision of the bill. It provides that whenever a corporation shall be guilty of a violation of any of the provisions of the antitrust laws the offense shall be deemed to be also that of the individual officers or agents of such corporation, and upon the conviction of the corporation, any director, officer, or agent who shall have authorized, ordered, or done any of such prohibited acts shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished as prescribed in the section.

XIII.

SAME AS SECTION 4 OF SHERMAN ACT.

Section 13 is a reenactment of section 4 of the act of July 2, 1890, so as to enable the United States to proceed against corporations for the violation of any of the provisions of this act as it is now authorized by law to proceed against corporations for violations of the Sherman Act.

XIV.

INJUNCTIVE RELIEF AUTHORIZED.

Section 14 authorizes a person, firm, or corporation or association to sue for and have injunctive relief against threatened loss or damage by a violation of the antitrust laws, when and under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity under the rules governing such proceedings. Under section 7 of the act of July 2, 1890, a person injured in his business and property by corporations or combinations acting in violation of the Sherman antitrust law, may recover loss and damage for such wrongful act. There is, however, no provision in the existing law authorizing a person, firm, corporation, or association to enjoin threatened loss or damage to his business or property by the commission of such

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unlawful acts, and the purpose of this section is to remedy such defect in the law. This provision is in keeping with the recommendation made by the President in his message to Congress on the subject of trusts and monopolies.

INJUNCTIONS AND CONTEMPTS.

The remaining sections of the bill, 15 to 23, inclusive, are substantially the same as the provisions of the two separate bills (H. R. 23635 and H. R. 22591, 62d Cong.), known as the Clayton injunction and contempt bills, which were considered and passed by the House of Representatives at the last Congress, but failed of passage in the Senate. They deal entirely with questions of Federal procedure relating to injunctions and contempts committed without the presence of the court. The reports upon these bills made to the House in the last Congress are comprehensive and explain in detail their purpose, and for convenience are adopted as a part of this report. They follow in order:

REGULATION OF INJUNCTIONS.

[House Report No. 612, Sixty-second Congress, second session.—April 26, 1912: Referred to the House Calendar and ordered to be printed.]

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report. (To accompany H. R. 23635.)

The Committee on the Judiciary, having had under consideration H. R. 23635, to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, report the same back with the recommendation that the bill do pass.

The too ready issuance of injunctions or the issuance without proper precautions or safeguards has been called to the attention of the Congress session after session for many years. The bill now reported seeks to remedy the evils complained of by legislation directed to those specific matters which have given rise to most criticism. These matters are so segregated in various sections of the bill that they may be separately discussed.

I.

The first section of the bill amends section 263 of the judicial code which relates to two distinct steps in the procedure, namely, notice and security. But the amended section relates only to the notice, leaving the matter of security to be dealt with by a new section 266a.

FORMER STATUTES.

In order to fully understand the subject of notice in injunction cases it is necessary to give an historical résumé of the subject. In the judiciary act of 1789 which was passed during the first session of that year, Congress having

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created the different courts according to the scheme outlined by Chief Justice Ellsworth, conferred upon the courts power to issue all writs, including writs of ne exeat (a form of injunction), according to legal usages and practice. In 1793, however, there was a revision of that statute, and among other things the same powers, substantially, were conferred upon the judges as before; but at the end of the section authorizing the issuance of injunctions, was this language: "No injunction shall be issued in any case without reasonable previous notice to the adverse party or his attorney."

The law stood thus until the general revision of 1873, during which period the law expressly required reasonable notice to be given in all cases. But the will of Congress as thus expressed was completely thwarted and the statute nullified by the peculiar construction placed upon it by the courts. The question frequently arose. The courts got around it in various ways, but usually by holding that it did not apply to a case of threatened irreparable injury, notwithstanding that its language was broad and sweeping, plainly covering all cases. Another form of expression often used is found in Ex parte Poultney (4 Peters C. C. C., 472):

> Every court of equity possesses the power to mold its rules in relation to the time of appearing and answering so as to prevent the rule from working injustice, and it is not only in the power of the court, but it is its duty to exercise a sound discretion upon this subject.

The court found a similar method of evading the sweeping prohibition of the revision of 1793, with respect to notice in Lawrence *v.* Bowman (1 U. S. C. C., Alester, 230).

But the earliest provision requiring notice came before the Supreme Court in 1799, in New York v. Connecticut (4 Dall., 1). Its constitutionality was not questioned. The only issue was as to the sufficiency of the notice, Chief Justice Ellsworth, for the court, saying: "The prohibition contained in the statute that writs of injunction shall not be granted without reasonable notice to the adverse party or his attorney, extends to injunctions granted by the Supreme Court or the circuit court as well as to those that may be granted by a single judge. The design and effect, however, of injunctions must render a shorter notice, reasonable notice, in the case of an application to a court than would be so construed in most cases of an application to a single judge, and until a general rule shall be settled the particular circumstances of each case must also be regarded."

Here was a case in which, although no point was made by counsel on any question of constitutionality, the Supreme Court accepted the comprehensive requirement of the act of 1793 as binding on all the Federal courts.

Now we come to the present law, found in section 263 of the Judicial Code, and reading thus:

> Whenever notice is given of a motion for an injunction out of a district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge.

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This was the law as contained in section 718 of the Revised Statutes, said section having been enacted in 1872. It simply embodies the practice of the courts with respect to notice, a practice established notwithstanding the nonconformity of the practice to the positive requirement of the act of 1793.

PROPOSED CHANGES.

But it will be seen that the giving of notice and requiring security, left by the present law to the discretion of the court, is by this bill a positive duty, except where irreparable and immediate injury might result from the giving of a notice or the delay incident thereto, in which case the court or judge may issue a temporary restraining order pending the giving of the notice. The concluding part of the amended section has an effect to safeguard parties from the reckless and inconsiderate issuance of restraining orders. Injuries compensable in damages recoverable in an action at law are not treated or considered by the courts as irreparable in any proper legal sense, and parties attempting to show why the injury sought to be restrained is irreparable would often disclose an adequate legal remedy. This provision requires the reason to appear in the order, but it should be read in connection with the new section 266b, requiring the order to be made by the court or judge to be likewise specific in other essentials, and section 266c, requiring that every complaint filed for the purpose of obtaining the order, in the cases there specified, shall contain a particular description of the property or property right for which the prohibitive power of the court is sought, and that such complaint shall be verified.

A valuable provision of the amendment is one that a restraining order issued without notice "shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record."

A legislative precedent for such legislation is found in the act of 1807, wherein it was provided that injunctions granted by the district courts "shall not, unless so ordered by the circuit court, continue longer than to the circuit court next ensuing, nor shall an injunction be issued by a district judge in any case where a party has had a reasonable time to apply to the circuit court for the writ." (U. S. Stat. L., vol. 2, p. 418.)

If the views of President Taft on this subject have not changed, he will welcome an opportunity to approve a bill containing such provisions as those in the amendment governing notice, because in his message of December 7, 1909, to the regular session of the Sixty-first Congress, after a quotation from the Republican platform of 1908, he said:

I recommend that in compliance with the promise thus made appropriate legislation be adopted. The ends of justice will best be met and the chief

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cause of complaint against ill-considered injunctions without notice will be removed by the enactment of a statute forbidding hereafter the issuing of any injunction or restraining order, whether temporary or permanent, by any Federal court without previous notice and a reasonable opportunity to be heard on behalf of the parties to be enjoined; unless it shall appear to the satisfaction of the court that the delay necessary to give such notice and hearing would result in irreparable injury to the complainant, and unless, also, the court shall from the evidence make a written finding, which shall be spread upon the court minutes, that immediate and irreparable injury is likely to ensue to the complainant, and shall define the injury, state why it is irreparable, and shall also indorse on the order issued the date and the hour of the issuance of the order. Moreover, every such injunction or restraining order issued without previous notice and opportunity by the defendant to be heard should by force of the statute expire and be of no effect after seven days from the issuance thereof or within any time less than that period which the court may fix, unless within such seven days or such less period the injunction or order is extended or renewed after previous notice and opportunity to be heard.

My judgment is that the passage of such an act, which really embodies the best practice in equity and is very likely the rule now in force in some courts, will prevent the issuing of ill-advised orders of injunction without notice and will render such orders, when issued, much less objectionable by the short time in which they may remain effective.

II.

Section 266a simply requires security for costs and damages in all cases, leaving it no longer within the discretion of the courts whether any such security or none shall be given.

Prior to the said act of 1872 (contained in the revision of 1873) there appears to have been no legislation on the matter of security in injunction cases; but that security was usually required is a fact well known to the legal profession. It seems clearly just and salutary that the extraordinary writ of injunction should not issue in any case until the party seeking it and for whose benefit it issues has provided the other party with all the protection which security for damages affords.

It appears by the authorities, both English and American, to have been always within the range of judicial discretion, in the absence of a statute, to waive security, though better practice has been to require security as a condition to issuing restraining orders and injunctions.

The new section, 266a, takes the matter of requiring security out of the category of discretionary matters, where it was found by the Committee on Revision and permitted to remain.

For a discussion of the existing law on the question of security, we refer to Russell *v.* Farley (105 U. S., 433).

III.

Section 266b is of general application. Defendants should never be left to guess at what they are forbidden to do, but the order "shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained." It also contains a safeguard against what have been heretofore known as dragnet or blanket injunctions, by which large numbers may be

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accused, and eventually punished, for violating injunctions in cases in which they were not made parties in the legal sense and of which they had only constructive notice, equivalent in most cases to none at all. Moreover, no person shall be bound by any such order without actual personal notice.

EXISTING LAW AND PRACTICE.

There was heretofore no Federal statute to govern either the matter of making or form and contents of orders for injunctions. Of course, where a restraining order is granted that performs the functions of order, process, and notice. But the writ of injunction, where temporary, is preceded by the entry of an order, and where permanent by the entry of a decree.

The whole matter appears to have been left, both by the States and the Federal Government, to the courts, which have mostly conformed to established principles.

The most important of these was that the order should be sufficiently clear and certain in its terms that the defendants could by an inspection of it readily know what they were forbidden to do.

See Arthur *v.* Oakes, 63 Fed. Rep., 310, 25 L. R. An., 414; St. Louis Min., etc., Co. *v.* Co. c. Montana Min. Co., 58 Fed. Rep., 129; Sweet *v.* Mangham, 4 Jur., 479; 9 L. J. Ch., 323, 34 Eng. Ch., 51; Cother *v.* Midland R. Co., 22 Eng. Ch., 469.

It should also be in accordance with the terms of the prayer of the bill. (State *v.* Rush County, 35 Kan., 150; McEldowney *v.* Lowther, 49 W. Va., 348.) It should not impose a greater restraint than is asked or is necessary (Shubert *v.* Angeles, 80 N. Y. App. Div., 625; New York Fire Dept. *v.* Baudet, 4 N. Y. Supp., 206), and should be specific and certain. (Orris *v.* National Commercial Bank, 81 N. Y. App. Div., 631; St. Rege's Paper Co. *v.* Santa Clara Lumber Co., 55 N. Y. App. Div., 225; Norris *v.* Cable, 8 Rich (S. C.), 58; Parker *v.* First Ave. Hotel Co., 24 Ch. Div., 282; Hackett *v.* Baiss, L. R., 20 Eq., 494; Dover Harbour *v.* London, etc., R. Co., 3 De G. F. & J., 559; Low *v.* Innes, 4 De G. J. & S., 286.)

So it appears that section 266b really does not change the best practice with respect to orders, but imposes the duty upon the courts, in mandatory form, to conform to correct rules, as already established by judicial precedent.

That such provision is necessary and timely will appear upon an inspection of some orders which have issued.

For instance, take the case of Kansas & Texas Coal Co. *v.* Denney, decided in the district court for Arkansas in 1899. And here, as in most of such cases, no full official report of the case can be obtained, but a mere memorandum. In this case the defendants (strikers) were ordered to be and were enjoined from "congregating at or near or on the premises of the property of the Kansas & Texas Coal Co. in, about, or near the town of Huntington, Ark., or elsewhere, for the purpose of intimidating its employees or pre-

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venting said employees from rendering service to the Kansas & Texas Coal Co. from inducing or coercing by threats, intimidation, force, or violence any of said employees to leave the employment of the said Kansas & Texas Coal Co., or from in any manner interfering with or molesting any person or persons who may be employed or seek employment by and of the Kansas & Texas Coal Co. in the operation of its coal mines at or near said town of Huntington, or elsewhere."

It will be observed that a defendant in that suit would render himself liable to punishment for contempt if he met a man seeking employment by the company in a foreign country and persuaded him not to enter its service.

The bill further provides that it shall be "binding only upon parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same." Unquestionably this is the true rule, but unfortunately the courts have not uniformly observed it. Much of the criticism which arose from the Debs case (64 Fed. Rep., 724) was due to the fact that the court undertook to make the order effective not only upon the parties to the suit and those in concert with them, but upon all other persons whomsoever. In Scott *v.* Donald (165 U. S., 117), the court rebuked a violation by the lower court in the following language:

> The decree is also objectionable because it enjoins persons not parties to the suit. This is not a case where the defendants named represent those not named. Nor is there alleged any conspiracy between the parties defendant and other unknown parties. The acts complained of are tortious and do not grow out of any common action or agreement between constables and sheriffs of the State of South Carolina. We have indeed a right to presume that such officers, though not named in this suit, will, when advised that certain provisions of the act in question have been pronounced unconstitutional by the court to which the Constitution of the United States refers such questions, voluntarily refrain from enforcing such provisions; but we do not think it comports with well-settled principles of equity procedure to include them in an injunction in a suit in which they were not heard or represented or to subject them to penalties for contempt in disregarding such an injunction. (Fellows *v.* Fellows, 4 John. Chan., 25, citing Iveson *v.* Harris, 7 Ves., 257.)
>
> The decree of the court below should therefore be amended by being restricted to the parties named as plaintiff and defendants in the bill, and this is directed to be done, and it is otherwise.

IV.

Section 266c is concerned with cases between "employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment."

The first clause of the new section 266c relates to the contents and form of the complaint. It must disclose a threatened irreparable injury to property or to a property right of the party making the application for which there is no adequate remedy at law. And the property or property right must be described "with particularity."

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These requirements are merely those of good pleading and correct practice in such cases established by a long line of precedents, well understood by the profession and which should be but perhaps have not been uniformly applied. To show this it is only necessary to briefly state the applicable rules, citing some of the numerous authorities.

As the granting of an injunction rests in some degree in the discretion of the chancellor, allegations in the complaint should show candor and frankness. (Moffatt *v.* Calvert County Comm'rs, 97 Md., 266; Johnston *v.* Glenn, 40 Md., 200; Edison Storage Battery Co. *v.* Edison Automobile Co., 67 N. J. Eq., 44; Sharp *v.* Ashton, 3 Ves. & B., 144.)

The omission of material facts which, in the nature of the case, must be known to the plaintiff will preclude the granting of the relief. (Sprigg *v.* Western Tel. Co., 46 Md., 67; Walker *v.* Burks, 48 Tex., 206.)

An injunction may be refuesd if the allegations are argumentative and inferential. (Battle *v.* Stevens, 32 Ga., 25; Warsop *v.* Hastings, 22 Minn., 437.)

The allegations of the complaint must be definite and certain. (St. Louis *v.* Knapp Co., 104 U. S., 658.)

The complaint must set forth the facts with particularity and minuteness (Minor *v.* Terry, Code Rep. N. S. (N. S.), 384), and no material fact should be left to inference. (Warsop *v.* Hastings, 22 Minn., 437; Philphower *v.* Todd, 11 N. J. Eq., 54; Perkins *v.* Collins, 3 N. J. Eq., 482.)

Facts, and not the conclusions or opinions of the pleader, must be stated. (McBride *v.* Ross (D. C.), 13 App. Cas., 576.)

An injunction should not ordinarily be granted when the material allegations are made upon information and belief. (Brooks *v.* O'Hara, 8 Fed. Rep., 529; In re Holmes, 3 Fed. Rep. Cases No. 1, 562.)

The complaint must clearly show the threats or acts of defendant which cause him to apprehend future injury. (Mendelson *v.* McCabe, 144 Cal., 230; Ryan *v.* Fulghum, 96 Ga., 234.) And it is not sufficient to allege that the defendant claims the right to do an act which plaintiff believes illegal and injurious to him, since the intention to exercise the right must be alleged. (Lutman *v.* Lake Shore, etc., R. Co., 56 Ohio St., 433; Attorney General *v.* Eau Claire, 37 Wis., 400.)

The bill must allege facts which clearly show that the plaintiff will sustain substantial injury because of the acts complained of. (Home Electric Light, etc., Co. *v.* Gobe Tissue Paper Co., 146 Ind., 673; Boston, etc., Ry. Co. *v.* Sullivan, 177 Mass., 230; McGovern *v.* Loder (N. J. Ch., 1890), 20 Atl. Rep., 209; Smith *v.* Lockwood, 13 Barb., 209; Jones *v.* Stewart (Tenn. Ch. App., 1900), 61 Sev., 105; Spokane St. R. Co. *v.* Spokane, 5 Wash., 634; State *v.* Eau Claire, 40 Wis., 533. And it is not sufficient to merely allege injury without stating the facts. Giffing *v.* Gibb, 2 Black, 519; Spooner *v.* McConnell, 22 Fed. Cases No. 13245; Bowling *v.* Crook, 104 Ala., 130; Grant *v.* Cooke, 7 D. C., 165;

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Coast Line R. Co. *v.* Caben, 50 Ga., 451; Dinwiddie *v.* Roberts, 1 Greene, 363; Wabaska Electric Co. *v.* Wymore Co., Nebr., 199; Lubrs *v.* Sturtevant, 10 Or., 170; Farland *v.* Wood, 35 W. Va., 458.)

Since the jurisdiction in equity depends on the lack of an adequate remedy at law, a bill for an injunction must state facts from which the court can determine that the remedy at law is inadequate. (Pollock *v.* Farmers' Loan & Tr. Co., 157 U. S., 429; Safe-Deposit, etc., Co. *v.* Anniston, 96 Fed. Rep., 661.)

If the inadequacy of the legal remedy depends upon the defendant's insolvency the fact of insolvency must be positively alleged. (Fullington *v.* Kyle Lumber Co., 139 Ala., 242; Graham *v.* Tankersley, 15 Ala., 634.)

An injunction will not be granted unless the complaint shows that a refusal to grant the writ will work irreparable injury. (California Nav. Co. *v.* Union Transp. Co., 122 Cal., 641; Cook County Brick Co., 92 Ill. App., 526; Manufacturers' Gas Co. *v.* Indiana Nat. Gas, etc., Co., 156 Ind., 679.) And it is not sufficient simply to allege that the injury will be irreparable, but the facts must be stated so that the court may see that the apprehension of irreparable injury is well founded. (California Nav. Co. *v.* Union Transp. Co., 122 Cal., 641; Empire Transp. Co. *v.* Johnson, 76 Conn., 79; Orange City *v.* Thayer, 45 Fla., 502.)

The plaintiff must allege that he has done or is willing to do everything which is necessary to entitle him to the relief sought. (Stanley *v.* Gadsley, 10 Pet. (U. S.), 521; Elliott *v.* Sibley, 101 Ala., 344; Burham *v.* San Francisco Fuse Mfg. Co., 76 Cal., 26; Sloan *v.* Coolbaugh, 10 Iowa, 31; Lewis *v.* Wilson, 17 N. Y. Supp., 128; Spann *v.* Sterns, 18 Tex., 556.)

The second paragraph of section 266c is concerned with specific acts which the best opinion of the courts holds to be within the right of parties involved upon one side or the other of a trades dispute. The necessity for legislation concerning them arises out of the divergent views which the courts have expressed on the subject and the difference between courts in the application of recognized rules. It may be proper to notice, in passing, that the State courts furnish precedents frequently for action by the Federal courts, and vice versa, so that a pernicious rule or an error in one jurisdiction is quickly adopted by the other. It is not contended that either the Federal or the State courts have stood alone in any of the precedents which are disapproved. The provisions of this section of the bill are self-explanatory, and in justification of the language used we content ourselves with submitting quotations from recognized authorities. We classify these authorities by quoting first the clauses of the bill to which they have particular reference.

The first clause:

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do.

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In Allis Chalmers Co. *v.* Iron Molders' Union (C. C., 150 Fed. R., 155), Judge Sanborn said:

The conclusion to be drawn from the cases, as applicable to this controversy, is, I think, that the combination of the defendant unions, their members, and the defendant O'Leary, to strike, and to further enforce the strike, and if possible to bring the employers to terms by preventing them from obtaining other workmen to replace the strikers, was not unlawful, because grounded on just cause or excuse, being the economic advancement of the union molders, and the competition of labor against capital.

In Arthur *v.* Oakes (63 Fed. R., 310, 317) Justice Harlan, for the court, said:

If an employee quits without cause, and in violation of an express contract to serve for a stated time, then his quitting would not be of right, and he would be liable for any damages resulting from a breach of his agreement, and perhaps, in some states of case, to criminal prosecution for loss of life or limb by passengers or others, directly resulting from his abandoning his post at a time when care and watchfulness were required upon his part in the discharge of a duty he had undertaken to perform. And it may be assumed for the purposes of this discussion that he would be liable in like manner where the contract of service, by necessary implication arising out of the nature or the circumstances of the employment, required him not to quit the service of his employer suddenly, and without reasonable notice of his intention to do so. But the vital question remains whether a court of equity will, under any circumstances, by injunction, prevent one individual from quitting the personal service of another? An affirmative answer to this question is not, we think, justified by any authority to which our attention has been called or of which we are aware. It would be an invasion of one's natural liberty to compel him to work for or to remain in the personal service of another. One who is placed under such constraint is in a condition of involuntary servitude—a condition which the supreme law of the land declares shall not exist within the United States, or in any place subject to their jurisdiction. Courts of equity have sometimes sought to sustain a contract for services requiring special knowledge or skill by enjoining acts or conduct that would constitute a breach of such contract.

* * * * * * *

The rule, we think, is without exception that equity will not compel the actual, affirmative performance by an employee of merely personal services, any more than it will compel an employer to retain in his personal service one who, no matter for what cause, is not acceptable to him for service of that character. The right of an employee engaged to perform personal service to quit that service rests upon the same basis as the right of his employer to discharge him from further personal service. If the quitting in the one case or the discharging in the other is in violation of the contract between the parties, the one injured by the breach has his action for damages; and a court of equity will not, indirectly or negatively, by means of an injunction restraining the violation of the contract, compel the affirmative performance from day to day or the affirmative acceptance of merely personal services. Relief of that character has always been regarded as impracticable.

Sitting with Justice Harlan at circuit in that case were other learned jurists, but there was no dissent from these views.

In this connection we cite from the luminous opinion by Judge Loring delivering the opinion in Pickett *v.* Walsh (192 Mass., 572), a clear exposition of our views here expressed. We regret the necessity of limiting the quotation, because the whole opinion could be studied with profit.

The case is one of competition between the defendant unions and the individual plaintiffs for the work of pointing. The work of pointing for which these two sets of workmen are competing is work which the con-

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tractors are obliged to have. One peculiarity of the case, therefore, is that the fight here is necessarily a triangular one. It necessarily involves the two sets of competing workmen and the contractor, and is not confined to the two parties to the contract, as is the case where workmen strike to get better wages from their employer or other conditions which are better for them. In this respect the case is like Mogul Steamship Co. *v.* McGregor (23 Q. B. D., 598; S. C., on appeal (1892); A. C., 25).

The right which the defendant unions claim to exercise in carrying their point in the course of this competition is a trade advantage, namely, that they have labor which the contractors want, or, if you please, can not get elsewhere; and they insist upon using this trade advantage to get additional work, namely, the work of pointing the bricks and stone which they lay. It is somewhat like the advantage which the owner of back land has when he has bought the front lot. He is not bound to sell them separately. To be sure, the right of an individual owner to sell both or none is not decisive of the right of a labor union to combine to refuse to lay bricks or stone unless they are given the job of pointing the bricks laid by them. There are things which an individual can do which a combination of individuals can not do. But having regard to the right on which the defendant's organization as a labor union rests, the correlative duty owed by it to others, and the limitation of the defendants' rights coming from the increased power of organization, we are of opinion that it was within the rights of these unions to compete for the work of doing the pointing and, in the exercise of their right of competition, to refuse to lay bricks and set stone unless they were given the work of pointing them when laid. (See in this connection Plant *v.* Woods, 176 Mass., 492, 502; Berry *v.* Donovan, 188 Mass., 353, 357.)

The result to which that conclusion brings us in the case at bar ought not to be passed without consideration.

The result is harsh on the contractors, who prefer to give the work to the pointers, because (1) the pointers do it by contract (in which case the contractors escape the liability incident to the relation of employer and employee); because (2) the contractors think that the pointers do the work better, and if not well done the buildings may be permanently injured by acid; and, finally, (3) because they get from the pointers better work with less liability at a smaller cost. Again, so far as the pointers (who can not lay brick or stone) are concerned, the result is disastrous. But all that the labor unions have done is to say you must employ us for all the work or none of it. They have not said that if you employ the pointers you must pay us a fine, as they did in Carew *v.* Rutherford (106 Mass., 1). They have not undertaken to forbid the contractors employing pointers, as they did in Plant *v.* Woods (176 Mass., 492). So far as the labor unions are concerned, the contractors can employ pointers if they choose, but if the contractors choose to give the work of pointing the bricks and stones to others the unions take the stand that the contractors will have to get some one else to lay them. The effect of this in the case at bar appears to be that the contractors are forced against their will to give the work of pointing to the masons and bricklayers. But the fact that the contractors are forced to do what they do not want to do is not decisive of the legality of the labor union's acts. That is true wherever a strike is successful. The contractors doubtless would have liked it better if there had been no competition between the bricklayers' and masons' unions on the one hand and the individual pointers on the other hand. But there is competition. There being competition, they prefer the course they have taken. They prefer to give all the work to the unions rather than get nonunion men to lay bricks and stone to be pointed by the plaintiffs.

Further, the effect of complying with the labor unions' demands apparently will be the destruction of the plaintiff's business. But the fact that the business of a plaintiff is destroyed by the acts of the defendants done in pursuance of their right of competition is not decisive of the illegality of the acts. It was well said by Hammond, J., in Martell *v.* White (185 Mass., 255, 260) in regard to the right of a citizen to pursue his business without interference by a combination to destroy it: "Speaking generally, however, competition in business is permitted, although frequently disastrous to those engaged in it. It is always selfish, often sharp, and sometimes deadly."

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The application of the right of the defendant unions, who are composed of bricklayers and stonemasons, to compete with the individual plaintiffs, who can do nothing but pointing (as we have said) is in the case at bar disastrous to the pointers and hard on the contractors. But this is not the first case where the exercise of the right of competition ends in such a result. The case at bar is an instance where the evils which are or may be incident to competition bear very harshly on those interested, but in spite of such evils competition is necessary to the welfare of the community.

To the same effect is Allis-Chalmers Co. *v.* Iron Molders' Union (C. C.) (150 Fed. Rep., 155), per Sanborn, J.

The consensus of judicial view, as expressed in these cases and others which might be cited, is that workingmen may lawfully combine to further their material interests without limit or constraint, and may for that purpose adopt any means or methods which are lawful. It is the enjoyment and exercise of that right and none other that this bill forbids the courts to interfere with.

The second clause:

Or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working.

This language is taken from the British trades dispute act of 1906, the second section of which is as follows:

It shall be lawful for one or more persons acting on their own behalf or on behalf of an individual, corporation, or firm in contemplation or furtherance of a trade dispute to attend at or near a house or place where a person resides or works or carries on business or happens to be if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from work.

This, it has been said, "might well be termed a codification of the law relating to peaceful picketing as laid down by a majority of the American courts." (Martin's Law of Labor Unions, sec. 173.) Upon the general subject the same author says:

There are some decisions which hold that all picketing is unlawful, and it has been said that from the very nature of things peaceful picketing is of rare occurrence and "very much of an illusion," yet the view taken by the majority of decisions and which is best supported by reason is that picketing, if not conducted in such numbers as will of itself amount to intimidation, and when confined to the seeking of information such as the number and names and places of residence of those at work or seeking work on the premises against which the strike is in operation, and to the use of peaceful argument and entreaty for the purpose of procuring such workmen to support the strike by quitting work or by not accepting work, is not unlawful, and will furnish no ground for injunction or an action at law for damages. * * * That the views set forth in this section are correct does not admit of doubt. Indeed, it may readily be seen that the right almost universally conceded to striking workmen to use peaceable argument and persuasion to induce other workmen to aid them in their strike might, and very probably would be, most seriously hampered if the right of picketing were denied. "The right to persuade new men to quit or decline employment is of little worth unless the strikers may ascertain who are the men that their late employer has persuaded or is attempting to persuade to accept employment." While it is true that in the guise of picketing strikers may obstruct and annoy the new men, and by insult and menacing attitude intimidate them as effectually as by physical assault, yet it can always be determined from the evidence whether the efforts of the pickets are limited to getting into communication with the

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new men for the purpose of presenting arguments and appeals to their free judgment. (Martin's Modern Law of Labor Unions, sec. 169, pp. 233, 234, and 235.)

The third clause:

Or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do.

The best opinion to be gathered from the conflicting opinions on this matter have been well summarized in the most recent textbook on the subject as follows:

It is lawful for members of a union, acting by agreement among themselves, to cease to patronize a person against whom the concert of action is directed when they regard it for their interest to do so. This is the so-called "primary boycott," and in furtherance thereof it is lawful to circulate notices among the members of the union to cease patronizing one with whom they have a trade dispute and to announce their intention to carry their agreement into effect. For instance, if an employer of labor refuses to employ union men the union has a right to say that its members will not patronize him. A combination between persons merely to regulate their own conduct and affairs is allowable, and a lawful combination though others may be indirectly affected thereby. And the fact that the execution of the agreement may tend to diminish the profits of the party against whom such act is aimed does not render the participants liable to a prosecution for a criminal conspiracy or to a suit for injunction. Even though he sustain financial loss, he will be without remedy, either in a court of law or a court of equity. So long as the primary object of the combination is to advance its own interests and not to inflict harm on the person against whom it is directed, it is not possible to see how any claim of illegality could be sustained. (Martin's Modern Law of Labor Unions, pp. 107, 108, and 109.)

It is not unlawful for members of a union or their sympathizers to use, in aid of a justifiable strike, peaceable argument and persuasion to induce customers of the person against whom the strike is in operation to withhold their patronage from him, although their purpose in so doing is to injure the business of their former employer and constrain him to yield to their demands, and the same rule applies where the employer has locked out his employees. These acts may be consummated by direct communication or through the medium of the press, and it is only when the combination becomes a conspiracy to injure, by threats and coercion, the property rights of another that the power of the courts can be invoked. The vital distinction between combinations of this character and boycotts is that here no coercion is present, while, as was heretofore shown, coercion is a necessary element of a boycott. In applying the principles stated it has been held that the issuance of circulars by members of a labor union notifying persons engaged in the trade of controversies existing between such members and their employer and requesting such persons not to deal with the employer is not unlawful and will not be enjoined where no intimidation or violence is used. (Martin's Modern Law of Labor Unions, pp. 109 and 110.)

Said Mr. Justice Van Orsdel in his concurring opinion in Court of Appeals of the District of Columbia (the American Federation of Labor et al., appellants, *v.* the Buck's Stove & Range Co., No. 1916, decided Mar. 11, 1909):

* * * * * * *

Applying the same principle, I conceive it to be the privilege of one man, or a number of men, to individually conclude not to patronize a certain person or corporation. It is also the right of these men to agree together, and to advise others, not to extend such patronage. That advice may be given by direct communication or through the medium of the press, so long as it is neither in the nature of coercion or a threat.

As long as the actions of this combination of individuals are lawful, to this point it is not clear how they can become unlawful because of their subsequent acts directed against the same person or corporation. To this

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point there is no conspiracy—no boycott. The word "boycott" is here used as referring to what is usually understood as "the secondary boycott," and when used in this opinion it is intended to be applied exclusively in that sense. It is, therefore, only when the combination becomes a conspiracy to injure by threats and coercion the property rights of another that the power of the courts can be invoked. This point must be passed before the unlawful and unwarranted acts which the courts will punish and restrain are committed.

The definition of a boycott given by Judge Taft in Toledo Co. *v.* Penna. Co. (54 Fed., 730) is as follows: "As usually understood, a boycott is a combination of many to cause a loss to one person by coercing others against their will to withdraw from him their beneficial business intercourse through threats that, unless those others do so, the many will cause similar loss to them." In Gray *v.* Building Trades Council (91 Minn., 171) the word "boycott" is defined as follows: "A boycott may be defined to be a combination of several persons to cause a loss to a third person by causing others against their will to withdraw from him their beneficial business intercourse through threats that unless a compliance with their demands be made the persons forming the combination will cause loss or injury to him, or an organization formed to exclude a person from business relations with others by persuasion, intimidation, and other acts which tend to violence, and thereby cause him through fear of resulting injury to submit to dictation in the management of his affairs. Such acts constitute a conspiracy and may be restrained by injunction." In Brace Brothers *v.* Evans (3 R. & Corp. L. J., 561) it is said: "The word itself implies a threat. In popular acceptation it is an organized effort to exclude a person from business relations with others by persuasion, intimidation, and other acts which tend to violence, and they coerce him, through fear of resulting injury, to submit to dictation in the management of his affairs."

It will be observed that the above definitions are in direct conflict with the earlier English decisions and indicate a distinct departure by our courts. This undoubtedly is in recognition of the right of a number of individuals to combine for the purpose of improving their condition. The rule of the English common law, from which we have so far departed, is expressed in Bowen *v.* Hall (6 Q. B. Div., 333) as follows: "If the persuasion be used for the indirect purpose of injuring the plaintiff, or of benefiting the defendant at the expense of the plaintiff, it is a malicious act, which is in law and in fact a wrong act, and therefore a wrongful act, and therefore an actionable act if injury ensues from it."

From this clear distinction it will be observed that there is no boycott until the members of the organization have passed the point of refusing to patronize the person or corporation themselves and have entered the field where, by coercion or threats, they prevent others from dealing with such persons or corporation. I fully agree with this distinction.

So long, then, as the American Federation of Labor and those acting under its advice refused to patronize complainant, the combination had not arisen to the dignity of an unlawful conspiracy or a boycott.

In Hopkins *v.* Oxley Stave Co. (83 Fed. R., 912), Judge Caldwell, in a dissenting opinion, said:

While laborers, by the application to them of the doctrine we are considering, are reduced to individual action, it is not so with the forces arrayed against them. A corporation is an association of individuals for combined action; trusts are corporations combined together for the very purpose of collective action and boycotting; and capital, which is the product of labor, is in itself a powerful collective force. Indeed, according to this supposed rule, every corporation and trust in the country is an unlawful combination, for while its business may be of a kind that its individual members, each acting for himself, might lawfully conduct, the moment they enter into a combination to do that same thing by their combined effort, the combination becomes an unlawful conspiracy. But the rule is never so applied.

Corporations and trusts and other combinations of individuals and aggregations of capital extend themselves right and left through the entire community, boycotting and inflicting irreparable damage upon and crushing out all small dealers and producers, stifling competition, establishing monopolies, reducing the wages of the laborer, raising the price of food on

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every man's table, and of the clothes on his back and of the house that shelters him, and inflicting on the wage earners the pains and penalties of the lockout and the black list, and denying to them the right of association and combined action by refusing employment to those who are members of labor organizations; and all these things are justified as a legitimate result of the evolution of industries resulting from new social and economic conditions, and of the right of every man to carry on his business as he sees fit, and of lawful competition. On the other hand, when laborers combine to maintain or raise their wages or otherwise to better their condition or to protect themselves from oppression or to attempt to overcome competition with their labor or the products of their labor in order that they may continue to have employment, and live, their action, however open, peaceful, and orderly, is branded as a "conspiracy." What is "competition" when done by capital is "conspiracy" when done by laborers. No amount of verbal dexterity can conceal or justify this glaring discrimination. If the vast aggregation and collective action of capital is not accompanied by a corresponding organization and collective action of labor, capital will speedily become proprietor of the wage earners as well as the recipient of the profits of their labor. This result can only be averted by some sort of organization that will secure the collective action of wage earners. This is demanded, not in the interest of wage earners alone, but by the highest considerations of public policy.

In Vegelahn *v.* Gunter (167 Mass., 92) Justice Holmes, now of the Supreme Court of the United States, delivering the opinion, said:

It is plain from the slightest consideration of practical affairs, or the most superficial reading of industrial history, that free competition means combination, and that the organization of the world, now going on so fast, means an ever-increasing might and scope of combination. It seems to me futile to set our faces against this tendency. Whether beneficial on the whole, as I think it is, or detrimental, it is inevitable, unless the fundamental axioms of society and even the fundamental conditions of life are to be changed. One of the eternal conflicts out of which life is made up is that between the effort of every man to get the most he can for his services and that of society, disguised under the name of capital, to get his services for the least possible return. Combination on the one side is potent and powerful. Combination on the other is a fair and equal way. * * * If it be true that the workingmen may combine with a view, among other things, to getting as much as they can for their labor, just as capital may combine with a view to getting the greatest possible return, it must be true that when combined they have the same liberty that combined capital has, to support their interest by argument, persuasion, and the bestowal or refusal of those advantages which they otherwise lawfully control.

The logic of Justice Sherwood, of the Supreme Court of Missouri, in Marx & Haas Co. *v.* Watson (56 L. R. A., 951), appears unanswerable. He discussed the question from a constitutional standpoint, taking for his text the Missouri bill of rights, substantially the same as the first amendment to the Federal Constitution, saying (p. 956):

The evident idea of that section is penalty or punishment, and not prevention, because if prevention exists, then no opportunity can possibly arise for one becoming responsible by saying, writing, or publishing "whatever he will on any subject." The two ideas—the one obsolute freedom "to say, write, or publish whatever he will on any subject," coupled with responsibility therefor, and the other idea of preventing any such free speech, free writing, or free publication—can not coexist.

The opinion continues, after citing authorities, Federal and State, as follows:

Section 14, supra, makes no distinction and authorizes no difference to be made by courts or legislatures between a proceeding set on foot to enjoin the publication of a libel and one to enjoin the publication of any other sort or nature, however injurious it may be, or to prohibit the use of free speech or

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free writing on any subject whatever, because wherever the authority of injunction begins there the right of free speech, free writing, or free publication ends. No halfway house stands on the highway between absolute prevention and absolute freedom.

The fourth clause:

Or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value.

In at least two instances State courts (Reynolds *v.* Davis, 198 Mass., 294, and A. S. Barnes & Co. *v.* Chicago Typographical Union, 232 Ill., 424) have held that if the purpose of a strike was unlawful the officers and members of unions should be enjoined from giving financial aid in the form of strike benefits in furtherance thereof. But in the only case of the kind disposed of by a Federal court an entirely different conclusion was reached. In A. S. Barnes & Co. *v.* Berry (157 Fed. R., 883) it was held without exception or qualification that an employer against whom a strike was in operation could not have enjoined the officers of a union from giving its striking members strike benefits. The reason assigned was that—

the strike benefit fund is created by moneys deposited by the men with the general officers for the support of themselves and families in times of strike, and the court has no more control of it than it would have over deposits made by them in the banks.

This decision is in harmony with two recent English decisions—Denabey, etc., Collieries *v.* Yorkshire Miners' Assn. (75 L. J. K. B., 384); Lyons *v.* Wilkins (67 L. J., ch. 383).

The fifth and sixth clauses:

Or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

After all that can be asserted against the provisions of section 266c, or any provision of the bill elsewhere found has been said, we can truly say that it does not transcend or contravene the clear and conclusive statement of the law as stated in National Fireproofing Co. *v.* Mason Builders Assn. (169 Fed. Rep., 260). Delivering the opinion of the court in that case, Judge Noyes said (p. 265):

As a general rule it may be stated, that when the chief object of a combination is to injure or oppress third persons, it is a conspiracy; but that when such injury or oppression is merely incidental to the carrying out of a lawful purpose, it is not a conspiracy. Stated in another way: A combination, entered into for the real malicious purpose of injuring a third person in his business or property, may amount to a conspiracy and furnish a ground of action for damages sustained or call for an injunction, even though formed for the ostensible purpose of benefiting its members, and actually operating to some extent to their advantage. But a combination without such ulterior oppressive object entered into merely for the purpose of promoting by lawful means the common interests of its members, is not a conspiracy. A laborer, as well as a builder, trader, or manufacturer, has the right to conduct his affairs in any lawful manner, even though he may thereby injure others. So several laborers and builders may combine for mutual advantage, and so long as the motive is not malicious, the object not unlawful nor oppressive, and the means neither deceitful nor fraudulent, the result is not a conspiracy, although it may necessarily work

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injury to other persons. The damage to such persons may be serious—it may even extend to their ruin—but if it is inflicted by a combination in the legitimate pursuit of its own affairs, is a damnum absque injuria. The damage is present, but the unlawful object is absent. And so the essential question must always be, whether the object of a combination is to do harm to others or to exercise the rights of the parties for their own benefit.

Any attack upon the policy of this section of the bill must be directed at its specific prohibitions; nor will any mere general criticism, or any attack which does not particularize herein, be worthy of serious attention. The ready and perfect defense to all such is at hand, and imposes no difficult task. Is there any reason why the complainant, seeking an injunction against workingmen, should not describe with particularity in his cause of complaint the nature of the threatened injury, and the property or property right involved, as in other cases? Is there any reason why an injunction should issue at all involving or growing out of the relation created between employer and employee to prevent the termination of the relation, or advising and persuading others to do so, or to prevent the unrestricted communication and exchange of information between persons, or the giving of aid by financial contributions in any labor affair or dispute? Is there any reason, after a labor dispute has arisen and a socially hostile attitude has been created, for an injunction to prevent abstinence in patronizing or service by one party for the other's benefit, or the exercise of the right of free speech in advising or inducing such abstinence on the part of others? Is there, in short, any good reason why, after a dispute has arisen and the parties are "at arms length," a court of equity should interpose its strong arm merely because such dispute has arisen?

At its hearings the committee had the benefit of learned and illuminating arguments against the several bills. Counsel in opposition were patiently and respectfully heard, and the committee profited largely by having heard them, as is shown by the results of its labors. The bill does not interfere with the Sherman Antitrust Act at all; it leaves the law of conspiracy untouched, and is not open to effective criticism on any constitutional ground. The subject of the constitutionality of such legislation was exhausted at the hearings on the contempt bill (H. R. 22591), returned to the House with a separate report in which all constitutional objections are fully met.

NO QUESTION OF CONSTITUTIONALITY INVOLVED.

This bill does not, any more than does the contempt bill, invade the jurisdiction of the courts or attempt legislatively to exercise a judicial function. It merely limits and circumscribes the remedy and procedure. While we here enter into no elaborate discussion of the authorities on this topic, yet, for convenience of reference, we insert a synopsis. On point

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of inconsistency between our theory of government and exercise of arbitrary power see Yick Wo *v.* Hopkins (118 U. S. Rep., 369). For a case in which Congress was held to have constitutionally exercised power to take away all remedy see Finck *v.* O'Neill (106 U. S., 272); and for a case where a statute taking away the power to issue an injunction in a certain case wherein the jurisdiction had been previously held and exercised was recognized without question as of binding force see Sharon *v.* Terry (36 Fed. Rep., 365). For a general statement of the proposition that the inferior courts of the United States are all limited in their nature and constitutions and have not the powers inherent in courts existing by prescription or by the common law see Cary *v.* Curtiss (3 How. (U. S.), 236, 254). The same principle still more elaborately stated and applied, Ex parte Robinson (19 Wall. (U. S.), 505).

Many decisions on the question of injunctive process and jurisdiction in labor cases are greatly influenced by, and, indeed, sometimes founded upon, precedents established when to be a wage earner was to be a servant whose social and legal status was little above that of slavery. But even England has preceded us in new views and policies herein. The English act of 1906, set forth at length in the hearings, goes farther than it has yet been deemed possible to go in this country in relieving labor, and especially organized labor, of legal burdens and discriminations. The Supreme Court has more than once protested against attempts by any branch of the Government to exercise arbitrary power, and the courts should, and probably will, welcome the definite limitations contained in this bill if it should be enacted.

The idea has been advanced, and ably supported in argument, by one of the proponents of this legislation that liberty, and more of it, is safe in the hands of the workingmen of the country. We are convinced of the merit and truth of that contention. The tendency toward freedom and liberation from legal trammels and impediments to progress and to a great social advance is seen in nearly all civilized nations. It is an unpropitious time to oppose a reform like that embodied in this bill, in view of the fact that the abuses of power which it seeks to terminate have been, admittedly, numerous and flagrant.

[H. R. 23635, Sixty-second Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES, APRIL 22, 1912.

Mr. Clayton introduced the following bill; which was referred to the Committee on the Judiciary and ordered to be printed.

A BILL To amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 263 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven, be, and the same is

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hereby, amended so as to read as follows, and that said act be further amended by inserting after section 266 thereof three new sections, to be numbered, respectively, 266a, 266b, 266c, reading as follows:

"SEC. 263. That no injunction, whether interlocutory or permanent, in cases other than those described in section 266 of this title, shall be issued without previous notice and an opportunity to be heard on behalf of the parties to be enjoined, which notice, together with a copy of the bill of complaint or other pleading upon which the application for such injunction will be based, shall be served upon the parties sought to be enjoined a reasonable time in advance of such application. But if it shall appear to the satisfaction of the court or judge that immediate and irreparable injury is likely to ensue to the complainant, and that the giving of notice of the application or the delay incident thereto would probably permit the doing of the act sought to be restrained before notice could be served or hearing had thereon, the court or judge may, in his discretion, issue a temporary restraining order without notice. Every such order shall be indorsed with the date and hour of issuance, shall be forthwith entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record.

"SEC. 266a. That no restraining order or interlocutory order of injunction shall issue except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

"SEC. 266b. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained; and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

"SEC. 266c. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

"And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto."

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PROCEDURE IN CONTEMPT CASES.

[House Report No. 613, Sixty-second Congress, second session.—April 26 (calendar day, April 27), 1912: Referred to the House Calendar and ordered to be printed.]

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report. (To accompany H. R. 22591.)

The Committee on the Judiciary, having had under consideration H. R. 22591, to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, report the same back with the recommendation that the bill do pass.

The bill leaves section 268 of the judicial code, formerly section 725 of the Revised Statutes, in full force and inserts five new sections, none of whose provisions conflict with said section 268.

ANALYSIS OF BILL.

By section 268a, in such cases of contempt specified in section 268 as constitute a criminal offense under any statute of the United States or at common law, the proceedings against the accused party shall be "as hereinafter provided", that is, in the subsequent section of the bill.

Most of the important provisions of the bill are contained in section 268b. Before action by the court, except in the cases excepted from the operation of the bill, there must be presented a formal charge showing reasonable ground; and before the party is put upon trial he must be afforded an opportunity to purge himself of any actual or technical contempt which he may have committed. He can not be arrested until he has opportunity to either purge himself or make answer and has refused to do either. If arrested, or in case the matter can not be disposed of on the return day, he may be required to give bail.

The trial is by the court (1) in case no jury be demanded by the accused, (2) if the contempt be in the presence of the court or so near thereto as to obstruct the administration of justice, or (3) if the contempt be charged to be in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name or on behalf of the United States. In other cases the trial is to be by jury.

Section 268c provides for the preservation of bills of exception, for review upon writ of error, for stay of execution pending proceeding, for review, and for bail in case the accused shall have been sentenced to imprisonment.

Section 268d excepts from the operation of the act contempts in the presence of the court, or so near thereto as to obstruct the administration of justice, and contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States and provides that in the excepted cases as well as in all other

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cases not specifically embraced within section 268a, the punishment shall be in conformity to the usages at law and in equity now prevailing.

Section 268e bars proceedings for contempt unless begun within one year from the date of the act complained of, and preserves the right of criminal prosecution, notwithstanding any proceeding and punishment for the contempts covered by the bill. It also excepts from the provisions of the bill any proceedings for contempt pending at the time of its passage.

Thus it is seen that the bill applies and gives a jury trial, with the exception noted, in all proceedings for contempt wherein the acts alleged to have been committed constitute a criminal offense, either under any Federal statute or at common law. The trial where a jury is had, is governed (sec. 268b), as near as is practicable, by the practice in criminal cases prosecuted by indictment or upon information.

Before calling further attention to the provisions of the bill now reported it is appropriate to review some of the contentions of those who have opposed every form of legislation whatever on this subject.

OBJECTIONS ANSWERED.

All the grounds of objection are reducible to two heads:

First. That any legislation whatever materially limiting or curtailing the power of the courts in the trial of contempts is unconstitutional.

Second. That any interference with the full and complete dominion or discretion of the judge in contempt cases tends to disorganization and a weakening of judicial efficiency.

Let us consider first the constitutional objections.

It is said that although the courts inferior to the Supreme Court owe their existence and jurisdiction to congressional action, yet a distinction should be made between the jurisdiction and judicial power, for instance, in the citation, trial, and punishment of a party charged with contempt of court.

The controversy goes back over 60 years. In 1831 Congress passed an act limiting the power of the courts subjectively; that is to say, it lopped off some of the jurisdiction which the court had assumed and exercised—a jurisdiction, or power, if the latter term be preferred, which Congress believed, and by its legislation asserted, was a usurpation. Never, until within a very recent period, was the authority of Congress to do that questioned, either by the courts or by any respectable authority. The particular circumstance or event, instigating the act of 1831, was the punishment by Judge Peck in Missouri, as for a contempt of court, of a party who had criticized one of his decisions in the columns of a newspaper.

The law before the act of 1831 read thus:

> The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority.

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The act of 1831 consisted in the addition of a proviso, reading as follows:

Provided, That such power to punish contempt shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said court in their official transactions, and the disobedience or resistance by any officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said court.

The extensive scope of this amendatory statute has been generally overlooked. The Federal courts were assuming and exercising the unlimited and unchecked powers resorted to by common-law courts, of deciding for themselves, not only the mode of procedure and degree and amount of punishment, but of selecting for themselves particular acts of alleged misconduct which should be placed in the category of contempts. Congress treated the term "power" as synonymous with "jurisdiction," circumscribed the field of jurisdiction, specified the acts which should constitute contempts, and said that such power or jurisdiction shall not extend beyond these specified acts.

It has been suggested that Congress might have refused to create the inferior courts, or even the Supreme Court, and have thus caused the failure of the Government.

But it is said that when Congress has acted and established a Federal court the common-law and equity powers of the courts immediately flow into these judicial receptacles out of the Constitution. It is only necessary to examine this new doctrine to know to what absurdities it would lead. The common-law courts of England, with the King's bench at their head, in addition to administering statutory law and the common law proper, exercised certain parliamentary powers. In the English system the legislative and judicial departments were, and are, entirely independent of each other. It is true that the courts were bound by acts of Parliament as construed by them, but outside the statutes their powers were as free from limitation as those of Parliament itself. They were the exponents and final arbiters of public policy for the Kingdom.

Though it is often said that the three departments of our Government are separate and independent, which is true in the sense that they must not invade each other's constitutional domain, and thus destroy each other, yet it is also true that arbitrary unchecked power does not abide with either of them. As the Supreme Court has well expressed it, in Yick Wo *v.* Hopkins (118 U. S. Rep., 369):

When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power.

To concede that the courts might, even with the limits fixed in the act of 1831, exclusively decide when a contempt

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has been committed, and the amount or degree of punishment, with no power in Congress to set a limit thereto, would be to concede to the courts the power to annul every act of Congress, to paralyze the Executive arm, to confiscate all property, and destroy all liberty. Of course, few, if any, believe that the courts would ever proceed to such extremes, but it is sufficient to say that, according to our interpretation, the framers of the Constitution took care to safeguard the people against the possibilities of all such calamitous tendencies.

Referring to this bill, and comparing its provisions with the proviso added in 1831, it is seen that the bill only changes the procedure in contempt cases, while, as before stated, that proviso limited the jurisdiction subjectively.

The opposition was represented before the committee by able counsel and many authorities were cited, few of which, however, in our opinion, had any direct bearing on the question from a constitutional point of view. In fact, the power of Congress, as exhibited in the act of 1831, was so generally and uniformly conceded that not a single case has been found which ever questioned or doubted it. A few cases which, though not directly bearing upon the point of constitutionality, yet shed more or less light upon it will now be noticed.

It is argued that Congress can not require a court of equity to try issues of fact by jury. That is unquestionably sound doctrine, and the case of Brown *v.* Kalamazoo, Circuit Judge (87 Mich., 274), is sound law. But it is wholly inapplicable here. No one has thus far ever insisted that contempt is of equitable cognizance, or other than what the textbooks designated, namely, a special proceeding, criminal in its nature, not necessarily connected with any particular suit or action pending in the court.

Numerous State cases were cited in argument. They may all be answered as a class. The relation between Congress and Federal courts is not the same as that between State legislature and the State courts. The constitutions of the various States themselves provide for and establish the court, partition the powers of government between the legislative, executive, and judicial departments, prescribing safeguards, and defining their powers in detail; whereas the Federal Constitution has delegated full and complete control of the matter to Congress. Nor should the fact be overlooked that the State decisions on the subject are often based upon precedents of the common law, which is no part of the Federal system. Thus, in Ex parte McCowan (139 N. Car., 95), that being typical of many such cases relied upon, it was said:

> We are satisfied that at common law the acts and conduct of the petitioner, as set out in the case, constitute a contempt of court, and if the statute does not embrace this case and in terms repeal the common law applicable to it, we would not hesitate to declare the statute in that respect unconstitutional and void for reasons which we will now state.

In Finck *v.* O'Neill (106 U. S. Rep., 272) it appeared that Congress has taken from the court all power to enforce its

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judgment, and the act of Congress was upheld by the Supreme Court of the United States. In that case (p. 280) the court said:

The United States can not enforce the collection of a debt from an unwilling debtor, except by judicial process. They must bring a suit and obtain a judgment. To reap the fruit of that judgment they must cause an execution to issue. The courts have no inherent authority to take any one of these steps, except as it may have been conferred by the legislative department; for they can exercise no jurisdiction except as the law confers and limits it.

And in Cary *v.* Curtiss (3 How., 236, 254) the same court said:

The courts of the United States are all limited in their nature and constitutions, and have not the powers inherent in courts existing by prescription, or by the common law.

But in section 720, of the Revised Statutes, we have a statute of Congress prohibiting the Federal courts from issuing injunctions in certain cases, and the constitutional validity of that statute was declared in Sharon *v.* Terry (36 Fed. R., 365). Now, the writ of injunction is the arm of the Federal courts in the exercise of their equitable powers, which it has been urged enjoy complete immunity from congressional action. And here a Federal circuit court sustained an act of Congress which subtracted an important part of equitable jurisdiction. Anyone taking the trouble to examine the judiciary act of 1789, with or without subsequent additions and amendments, will observe that it consists, in large part, of regulations of and limitations upon jurisdiction.

We close this head with the quotation from Ex parte Robinson (19 Wall., 505), cited with approval in the case of Bessette *v.* Conkey (194 U. S., 327), which is so clearly and obviously applicable and conclusive that no comment appears to be necessary:

The power to punish for contempts is inherent in all courts. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject they became possessed of this power, but the power has been limited and defined by the act of Congress of March 3, 1831. The act, in terms, applies to all courts. Whether it can be held to limit the authority of the Supreme Court, which derives its existence and power from the Constitution, may, perhaps, be a matter of doubt; but that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases.

(1) Where there has been misbehavior of a person in the presence of the courts, or so near thereto as to obstruct the administration of justice.

(2) Where there has been misbehavior of any officer of the courts in his official transaction.

(3) Where there has been disobedience or resistance by an officer, party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the courts. The law happily prescribes the punishment which the courts can impose for contempts. The seventeenth section of the judiciary act of 1789 (1 Stat. L., 73), declares that the court shall have

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power to punish of their authority in any cause or hearing before them by fine or imprisonment, at their discretion. The enactment is a limitation upon the manner in which the power shall be exercised, and must be held to be a negation of all other modes of punishment. The judgment of the court debarring the petitioner, treated as a punishment for contempt, was therefore unauthorized and void.

As to the other ground of objection urged—that is, that any interference with the full and complete dominion and discretion of the courts tends to disorganization and to the weakening of judicial authority—judging by the course of previous discussion on this measure, it is not anticipated that the policy of the provision placing a limitation upon the punishment which can be inflicted will be strenuously criticized, and, therefore, we will make no further comment on that.

TRIAL BY JURY.

The feature of the bill against which the most strenuous argument has been directed is that providing for jury trials. But no one has shown that such provision amounts to anything more than a change of procedure. So that the question comes down to this, Has Congress or not the power to prescribe procedure? The courts will still, if this bill passes, have all the substantive power left in their hands by the act of 1831. Not one of the acts there catalogued will have been eliminated. The method of ascertaining the facts in certain cases is changed, but their ascertainment is still under supervision of the court, and ample safeguards are provided against evasions and miscarriages of justice.

A contemnor, from the moment the facts are judicially ascertained, is, by uniform practice, either placed in durance or required to give bail. The result of an adverse judgment is always penal, both in form and effect, though the fine be sometimes turned over to a private litigant.

The manner of disposing of the fine does not alter, in any respect, the form and effect of the procedure, or change it from criminal to civil.

SUCH LEGISLATION LONG DEMANDED.

The bill is an evolution from prolonged and varied discussion, by no means limited to a recent date or to the present Congress. Every feature and provision of it has been subjected to attack and defense, but the whole controversy appears to have at length converged upon the issue of whether or not the policy and practice of jury trial in contempt cases shall be admitted in the Federal jurisprudence at all.

That complaints have been made and irritation has arisen out of the trial of persons charged with contempt in the Federal courts is a matter of general and common knowledge. The charge most commonly made is that the courts, under the equity power, have invaded the criminal domain, and

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under the guise of trials for contempt have really convicted persons of substantive crimes for which, if indicted, they would have had a constitutional right to be tried by jury. It has been the purpose of your committee in this bill to meet this complaint, believing it to be a sound public policy so to adjust the processes of the courts as to disarm any legitimate criticism; and your committee confidently believes that, so far from weakening the power and effectiveness of Federal courts, this bill will remove a cause of just complaint and promote that popular affection and respect which is in the last resolve the true support of every form of governmental activity."

As heretofore stated, the general scope of the House bill is followed in the Senate amendments. The form of the substantive law and the remedies provided for its enforcement are, however, changed in several instances by the proposed amendments. (These will appear in detail in this report, as the amendments to the sections of the bill will be considered separately and in order, but a reference to the more important of them at this point may not be amiss.) In sections 2 and 4, which deal respectively with discrimination in prices and exclusive and tying contracts, instead of declaring that the acts named constitute offenses punishable by fine and imprisonment, as in the House bill, the proposed amendments declare the acts unlawful and provide for the enforcement of the sections through the agency of the Federal Trade Commission, to be created. So, also, in sections 8 and 9, which deal with holding companies and interlocking directorates, respectively, some changes have been made in the provisions of positive and substantive law; and the enforcement of the sections has been confided by the amendments to the Interstate Commerce Commission, in the case of common carriers, and to the Federal Trade Commission, in the case of individuals and corporations other than banks and common carriers. All the remedies provided in the bill and amendments are cumulative.

The proposed amendments will now be considered by sections of the bill:

SECTION 1.

This section, which is one confined exclusively to the definition of terms employed in the bill, is only amended in one respect; this is exempting the Philippine Islands from the operation of the act. The reasons for this exemption are stated in a letter of the Acting Secretary of War, as follows:

WAR DEPARTMENT,
Washington, June 9, 1914.

MY DEAR SENATOR: I find that in the bill H. R. 15657, which has now been referred to the Committee on the Judiciary, there are provisions which would, in part, extend the application of this act to the Philippine Islands.

It seems that it was the intention of the House committee having the bill in charge so to do. It is apparent, however, that the committee did not consider the present status of the Philippine Islands with reference to the laws which it is proposed to supplement by the contemplated legislation.

None of the acts enumerated in the enacting section of this bill are in effect in the Philippine Islands.

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I hope that for the following reasons it may be possible to so modify the bill as not to include the Philippine Islands within its provisions:

1. The bill is in its terms supplemental to certain existing laws against unlawful restraints and monopolies and for other purposes, which laws do not apply to the Philippine Islands.

2. The instruments on which the execution of this law depends, such as the district courts of the United States, etc., do not exist in the Philippine Islands.

3. From the passage of the organic act of the Philippine Islands, July 1, 1902, in which act it was specifically provided that the statutory law of the United States should not extend to the Philippine Islands, it has been the policy to create in the Philippine Islands an autonomous government and to give to that government ample power to legislate on all matters of local concern. In this act extending to those islands amendatory legislation of legislation not applicable there, this principle is violated.

4. The Philippine Islands has an import tariff of its own quite distinct from that of the United States and in most of its schedules departing greatly from the rates in our own tariff. American exporters must enter that field in competition with foreign manufacturers of like goods and without the protection which is uniform in practically all other territory under our jurisdiction. Trade there is not a question of American firms competing with each other, but of American firms competing with foreign firms, and any restriction such as imposed in sections 2 and 4 of that act simply has the effect of placing American business at a great disadvantage in meeting foreign competition.

For the same reason that these sections are not made to apply to American trade with foreign countries they should not be made to apply to trade with the Philippine Islands.

Please understand that I make no suggestion as to the form of the bill, but desire to call attention to what was manifestly an oversight in making the bill apply to the Philippine Islands.

Sincerely, yours,

HENRY BRECKINRIDGE,
Acting Secretary of War.

Hon. CHARLES A. CULBERSON,
Chairman Committee on the Judiciary, United States Senate.

SECTION 2.

This section relates to discrimination in price by persons engaged in commerce with the purpose and intent thereby to destroy or wrongfully injure the business of a competitor. The first Senate amendment to this section changes the form of the substantive law to a declaration of the illegality of the act, instead of the declaration of the House bill that the person committing the act shall be deemed guilty of a misdemeanor, and may be punished. This was done because it was thought best, especially in view of the experimental stage of this legislation, that the harshness of the criminal law should not be applied but that the enforcement of the section should be given to the Federal Trade Commission. Accordingly the penalty provision is stricken out, and the enforcement of the section is provided for in section 9b, under which the commission may arrest the practice by an order, failing in which it can apply to the courts where disobedience of such order may be redressed.

The words "in the same or different sections or communities," in the first part of this section, are stricken out because they are either surplusage, when applied to "commerce," as defined in the bill; or if they are used in a more restricted sense, in a sense which would apply them to local transactions merely, they would attempt to regulate intrastate commerce and be therefore void.

After full consideration it is deemed advisable to enlarge the exception in the first proviso to the section by adding that due allowance may be made for difference in the cost of "selling," as well as

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transportation, and "discrimination in price made in good faith to meet competition and not intended to create monopoly," upon the ground that the enlargement will tend to foster wholesome competition. In the second proviso of this section, to the effect that nothing contained in the section shall prevent persons from choosing their own customers, the limitation is made by amendment that the selection must be made "in *bona fide* transactions and not in restraint of trade," which will enforce good faith and prevent restraint of trade by this method.

SECTION 3.

This section of the bill is a short one and is as follows:

SEC. 3. That it shall be unlawful for the owner, operator, or transporter of the product or products of any mine, oil or gas well, reduction works, refinery, or hydroelectric plant producing coal, oil, gas, or hydroelectric energy, or for any person controlling the products thereof, engaged in selling such product in commerce to refuse arbitrarily to sell such product to a responsible person, firm, or corporation who applies to purchase such product for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and any person violating this section shall be deemed guilty of a misdemeanor and shall be punished as provided in the preceding section.

The proposed Senate amendment is to strike out this section altogether, because, in the opinion of the committee, it would be unwise to enact such legislation as is contained in it. It would, primarily, deny freedom of contract to one of the parties, and consequently would be of doubtful constitutional validity. Passing from this consideration, the Committee believe that such an enactment, which would practically compel owners of the products named to sell to anyone or else decline to do so at the peril of incurring heavy penalties, would project us into a field of legislation at once untried, complicated and dangerous.

SECTION 4.

This section relates to exclusive and tying contracts. The first Senate amendment to the section changes the form of the declaration of substantive law by denouncing the acts as unlawful, instead of declaring, as in the House bill, that persons committing the acts shall be deemed guilty of misdemeanors, subject to the penalties prescribed. Following the course marked out in section 2, and for the same reason, the penalties provided in section 4 are stricken out and the enforcement of the section confided to the Federal Trade Commission by section 9b. It is believed section 4 is strengthened by the proposed Senate amendments to add "contracts for sale" to leases and sales denounced by the House provision, and to make the prohibition applicable whether the articles leased, sold, or contracted to be sold are "patented or unpatented."

SECTION 5.

This section, which gives any person injured by a violation of the antitrust acts the right to sue in the Federal courts for threefold the damages by him sustained, including the costs and reasonable attorney's fees, is not proposed to be amended in any particular.

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SECTION 6.

In section 6 there are two paragraphs as it came from the House. The first paragraph provides in substance that whenever in any suit in equity hereafter instituted by the United States a final decree is rendered against a defendant for violating any of the antitrust laws said decree shall, to the full extent to which such decree would constitute in any other proceeding an estoppel as between the United States and such defendant, constitute against such defendant conclusive evidence of the same facts, and be conclusive as to the same questions of law, in favor of any other party in any action brought under the provisions of any of the antitrust laws. It is proposed to amend this by making the decree in favor of the United States *prima facie* evidence against the same defendant in any suit brought by any other party under the antitrust laws as to all matters respecting which said decree would be an estoppel as between the parties thereto. The material difference between the House provision and the Senate amendment is of course whether the decree in favor of the Government shall be *prima facie* evidence against the same defendant in a subsequent suit by another party or be conclusive against such defendant. The Committee think there are considerations of public policy which favor the House provision of conclusiveness, but in the state of the decisions of the Supreme Court of the United States in kindred cases they believe the law should go no further than to make the decree *prima facie* evidence. As a type of the opinions of the Supreme Court which have been examined by the committee in analogous cases attention is invited to the following:

> Without going at length into the discussion of a subject so often considered, we think the conclusion reached by the courts generally may be stated as follows: It is competent for the legislature to declare that a tax deed shall be *prima facie* evidence not only of the regularity of the sale, but of all prior proceedings, and of title in the purchaser, but that the legislature can not deprive one of his property by making his adversary's claim to it, whatever that claim may be, conclusive of its own validity, and it can not, therefore, make the tax deed conclusive evidence of the holder's title to the land.
>
> Mr. Cooley sums up his examination of the cases on this subject in the following statement: "That a tax deed can be made conclusive evidence of title in the grantee we think is more than doubtful. The attempt is a plain violation of the great principle of Magna Charta, which has been incorporated in our bill of rights, and, if successful, would in many cases deprive the citizen of his property by proceedings absolutely without warrant of law or of justice; it is not in the power of any American legislature to deprive one of his property by making his adversary's claim to it, whatever that claim may be, conclusive of its own validity. It can not, therefore, make the tax deed conclusive evidence of the holder's title to the land, or of the possible jurisdictional facts which would make out title. But the legislature might doubtless make the deed conclusive evidence of * * * everything except the essentials." Cooley on Taxation, 521, 5th ed., 1886. (Marx *v.* Hanthorn, 148 U. S., 183.)

By the second paragraph of section 6 of the House bill it is provided that whenever any suit in equity is brought by the United States under any of the antitrust laws, the statute of limitations in respect of every private right of action, arising under such antitrust laws, and based in whole or in part on any matter complained of in said suit by the Government, shall be suspended during the pendency of such suit. The proposed Senate amendment of this paragraph does not change its substance but the statute of limitations is extended from three to six years, except as to offenses heretofore committed.

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SECTION 7.

This is the section which declares that nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, horticultural and other organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

The Senate amendments propose to strike out "fraternal" organizations, because, in the opinion of the Committee, not even a forced construction can bring them under the ban of the antitrust laws, and there is no reason for including them in this enactment. It is also proposed to strike out "consumers" in this paragraph. This is recommended by the Committee upon the ground that "consumers" in the economic sense in which the word is used in the bill, while probably intended to apply only to consumers of food products and clothing, is susceptible of much abuse if in the unrestricted sense it is applied, as possibly it may be in imaginable cases, to all character of consumers, including corporations generally, as they are unquestionably consumers. But the principal consideration which moved the Committee to strike out "consumers," which also applies in a less degree to "fraternal" organizations, is that they believe the only organizations which should be excluded from the operation of the antitrust laws are those where labor is the basis or one of the chief factors in the organizations, as in the case of labor organizations proper, and in agricultural and horticultural organizations The Committee rest this distinction upon the broad ground that labor is not, and ought not be regarded as, a commodity, within the purview of antitrust laws.

It is recommended that the last paragraph of this section be stricken out because it is not believed that such agreements, as those named, should be made whether approved or not by the Interstate Commerce Commission, nor that such traffic and operating associations as those mentioned should be formed.

SECTION 8.

This is the section of the bill directed against what are termed holding companies, and the object of the measure is stated in the report of the Committee on the Judiciary of the House of Representatives, heretofore reproduced herein, and to which reference is now again made.

Some of the Senate amendments to this section are minor ones. The word "commerce" is substituted for "trade" at two places, inasmuch as commerce is defined in the bill and trade is not. The words "in any section or community," as they appear in the first two paragraphs of the section, are stricken out, for reasons heretofore given under section 2.

The House provision that nothing contained in the section shall be held to affect or impair any right heretofore legally acquired, provided that nothing in the paragraph shall make stock-holding relations between corporations legal, when such relations constitute violations

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of the antitrust laws, is stricken out and a substitute proposed at the end of the section. This substitute is broader than the House provision, in that it is not limited to stock-holding relations of corporations, but reaches and extends to "anything prohibited and made illegal by the antitrust laws."

The House provision in this section that nothing contained therein shall be construed to prohibit any railroad corporation from aiding in the construction of branch or short-line railroads so located as to become feeders to the main line, etc., is amended so as to apply to any common carrier, thus including telephone and pipe lines, the committee believing that all common carriers should be given the same rights in this respect and that the extension of the rights to telephone and pipe lines would inure to the benefit of the public. Finally, in this section, the penalty provision is stricken out, for reasons heretofore given under section 2, and the enforcement of the section should be confided to the Interstate Commerce Commission, in the case of common carriers, and to the Federal Trade Commission, in the case of other corporations.

Section 9.

This is the section of the bill aimed at interlocking directorates in corporations. The purpose of the enactment is fully stated in the report of the Committee on the Judiciary of the House of Representatives, already reproduced in this report and to which reference is here made. The section, in its declaratory provisions, seeks to prevent the interlocking of directorates affecting three classes of corporations, namely, common-carrier corporations, industrial corporations, and banking and trust corporations. The first Senate amendment would substitute entirely new matter for the House provision in reference to directors of common carriers. The House provision in effect declares that from and after two years from the approval of the act no person who is engaged as an individual, or who is a member of a partnership, or is a director or other officer of a corporation that is engaged in the business of producing or selling equipment, material or supplies to, or in the construction or maintenance of railroads or other common carriers, shall act as a director or other officer or employee of any other corporation or common carrier engaged in commerce to which he, or such partnership or corporation, sells or leases equipment, material, or supplies, or for which he or such partnership or corporation engages in the work of construction or maintenance; and after the expiration of said period no person who is engaged as an individual or who is a member of a partnership or is a director or other officer of a corporation which is engaged in the conduct of a bank or trust company shall act as a director or other officer or employee of any such common carrier for which he or such partnership or bank or trust company acts, either separately or in connection with others, as agent for or underwriter of the sale or disposal by such common carrier of issues or parts of issues of its securities, or from which he or such partnership or bank or trust company purchases, either separately or in connection with others, issues or parts of issues of securities of such common carrier. The prime object of this provision is to prevent common or interlocking directors in corporations which occupy the relations to each other which are thus described; and is mainly intended to arrest the

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practice of the same persons occupying conflicting and incompatible relations in the corporate dealings of common carriers, often being practically both seller and purchaser, lessor and lessee and trustee and beneficiary of the trust. While this evil is fully appreciated, the committee nevertheless recognize that, especially in the case of railroads, emergencies may arise when absolutely prohibitory law against such dealings would be most injurious to the public. In the case of railroads calamities of fire and flood might make it necessary in the shortest possible time and to a certain extent regardless of lesser consequences to replace engines, cars and bridges. The Committee have, therefore, recommended a substitute for the House paragraph on this subject, which, with the publicity, competitive bidding and the supervision of the Interstate Commerce Commission provided for, will, it is believed, minimize if not wholly cure the evil to be reached.

The House provision in this section relating to interlocking directorates of industrial corporations is not proposed to be changed or amended in any respect.

A Senate amendment to this section strikes out the entire paragraph which relates to interlocking directorates of banks and trust companies. In proposing this amendment a majority of the Committee believed that such legislation as this more properly belongs to the domain of banking rather than of commerce and such additional regulation of bank directorates as may be wise and just should be made by amendments to the national bank acts, and the enforcement of it given to the Comptroller of the Currency and the Federal Reserve Board.

The penalty provision in this section is stricken out for reasons already given under sections 2, 4 and 8, but a penalty is expressly provided for violating the provisions of the amendment to the paragraph relating to interlocking directorates in the case of common carriers.

SECTION 9A.

This is an entirely new provision, fully explains itself, and is as follows:

SEC. 9a. Every president, director, officer or manager of any firm, association or corporation engaged in commerce as a common carrier, who embezzles, steals, abstracts or willfully misapplies any of the moneys, funds, credits, securities, property or assets of such firm, association or corporation, or willfully or knowingly converts the same to his own use or to the use of another, shall be deemed guilty of a felony and upon conviction shall be fined not less than $500 or confined in the penitentiary not less than 1 year nor more than 10 years, or both, in the discretion of the court.

Prosecutions hereunder may be in the district court of the United States for the district wherein the offense may have been committed.

SECTION 9B.

This is also an entirely new provision and is intended to provide the administrative agency through which sections 2, 4, 8, and 9 are to be enforced. It carries its own explanation and is as follows:

SEC. 9b. That authority to enforce compliance with the provisions of sections two, four, eight, and nine of this Act by the corporations, associations, partnerships, and individuals respectively subject thereto is hereby vested: In the Interstate Commerce Commission where applicable to common carriers and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows:

Whenever the commission vested with jurisdiction thereof has reason to believe, either upon information furnished by its agents or employees or upon complaint, duly

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verified by affidavit, of any interested person, that any corporation, association, partnership, or individual is violating any of the provisions of sections two, four, eight, and nine of this Act, it shall issue and cause to be served a notice, accompanied with a written statement of the violation charged, upon such corporation, association, partnership, or individual who shall thereupon be called upon, within a reasonable time fixed in such notice, not to exceed thirty days thereafter, to appear and show cause why an order should not issue to restrain and prohibit the violation charged. If upon a hearing held pursuant to such notice it shall appear to the commission that any of the provisions of said sections have been or are being violated, then it shall issue and cause to be served an order commanding such corporation, association, partnership, or individual forthwith to cease and desist from such violation, and to transfer or dispose of the stock or resign from the directorships held contrary to the provisions of sections eight or nine, as the case may be, within the time and in the manner prescribed in said order. Any such order may be modified or set aside at any time by the commission issuing it for good cause shown.

If any corporation, association, partnership, or individual charged with obedience thereto fails and neglects to obey any such order of a commission, the said commission, by its attorneys, if any it has, or by the appropriate district attorney acting under the direction of the Attorney General of the United States, may apply for an enforcement of such order to the district court of the United States for the district wherein such corporation, association, partnership, or individual is an inhabitant or may be found or transacts any business, and therewith transmit to the said court the original record in the proceeding, including all the testimony taken therein and the report and order of the commission. Upon the filing of the record, the court shall have jurisdiction of the proceeding and of the questions determined therein and shall have power to make and to enter upon the pleadings, testimony, and proceedings such orders and decrees as may be just and equitable.

On motion of the commission and on such notice as the court shall deem reasonable, the court shall set down the cause for summary final hearing. Upon such final hearing the finding of the commission shall be prima facie evidence of the facts therein stated, but if either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may allow such additional evidence to be taken before the commission or before a master appointed by the court and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem just.

Disobedience to any order or decree which may be made in any such proceeding or any injunction or other process issued therein shall be punished by a fine not exceeding $100 a day during the continuance of such disobedience or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Any party to any proceeding brought under the provisions of this section before either the Interstate Commerce Commission or the Federal Trade Commission, including the person upon whose complaint such proceeding shall have been begun, as well as the United States by and through the Attorney General thereof, may appeal from any final order made by either of such commissions to any court having jurisdiction to enforce any order which might have been made upon application of such commission as hereinbefore provided, at any time within ninety days from the date of the entry of the order appealed from, by serving notice upon the adverse party and filing the same with the said commission; and thereupon the same proceedings shall be had as prescribed herein in the case of an application by the same commission for the enforcement of its order as hereinbefore provided.

Any final order or decree made by any district court in any proceeding brought under this section may be reviewed by the Supreme Court upon appeal, as in cases in equity, taken within ninety days from the entry of such order or decree.

SECTIONS 10 AND 11.

These sections relate to the venue and issuance of process in suits arising under the antitrust laws. They are proposed to be amended in certain respects, as shown on their face, but the amendments require no special explanation here.

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SECTION 12.

This is the persona' guilt provision of the law. The substance of the section is not altered, but the Committee think the Senate amendment better expresses the purpose and is more direct. Instead of visiting the offense of the corporation over on its directors, officers and agents, as in the House provision, the amendment declares directly that they shall be guilty and somewhat enlarges the several acts which constitute the offenses denounced.

SECTION 13.

This section, which is existing law, is not proposed to be amended in any particular.

SECTION 14.

This section provides that any person, firm, corporation, or association shall be entitled to sue for and have injunctive relief in the Federal courts against threatened loss or damage by a violation of the antitrust laws, etc. It is proposed by a Senate amendment to make this Section apply expressly to Sections 2, 4, 8, and 9 of this bill, so that all doubt of the cumulative and not exclusive character of the remedy provided in section 9b may be removed. The House proviso in Section 14 is proposed to be stricken out because the Committee are of the opinion that actions under this section should lie against common carriers as well as other corporations.

SECTION 15.

The purpose of this section is to prohibit the issuance of preliminary injunctions in any case without notice to the opposite party, and to regulate the issuance generally of temporary restraining orders. The principal Senate amendment strikes out the words "property or property right of," so that a temporary restraining order may issue, if otherwise proper under the act, even though no property or property right is involved. Suits in equity by the United States may be instituted where no such property or property right may be involved, and there are classes of cases by private suitors where the same is true, and if the House provision were adopted no temporary restraining orders would be issuable in those cases. If the Senate amendment is adopted the provision will in this respect be practically Equity Rule 73 promulgated by the Supreme Court of the United States.

Cases may arise where it would be unjust that a temporary restraining order would necessarily and irrevocably expire at a time not to exceed 10 days after entry of the order, as is provided in the House bill. Accordingly it is proposed by a Senate amendment to insert the words "unless within the time so fixed the order is extended for a like period for good cause shown, and the reasons for such extensions shall be entered of record."

SECTIONS 16 AND 17.

Section 16 provides that no restraining order or interlocutory order of injunction shall issue except on the giving of bond by the applicant. Section 17 declares that every order of injunction or

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restraining order shall set forth the reasons for its issuance, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the complaint or other document, the acts sought to be restrained, and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall, by personal service or otherwise, have received actual notice of the same.

Neither section is proposed to be amended in any material respect.

SECTION 18.

This is the section which regulates the issuance of restraining orders and injunctions in labor controversies, to which several amendments are proposed.

The words "singly or in concert" are inserted in line 4, page 27, to guard the right of workingmen to act together in terminating, if they desire, any relation of employment, and to act together and in concert in doing or abstaining from doing any other of the acts named in that paragraph of the section. Some minor amendments also are made in this section, the reasons for which will appear obvious on examination.

The most important amendment to this section is that which strikes out the words, in lines 7 to 11, inclusive, page 27, namely, "or from attending at or near a house or place where any person resides or works or carries on business, or happens to be, for the purpose of peacefully obtaining or communicating information." This, as is well known, is what is termed picketing. The House provision declares that no restraining order or injunction in a labor case shall issue prohibiting any person from doing any of the acts quoted above, and if the Senate amendment, which was proposed by a majority of the Committee, is adopted the Federal courts will be left free to issue restraining orders and injunctions in such cases. The authorities as to the legality pro and con of picketing are collated in Martin's Modern Law of Labor Unions, pages 132 et seq.

SECTIONS 19, 20, 21, 22, AND 23.

These sections regulate the trial of contempts committed without the presence of the court. Only two amendments of consequence to these sections are proposed. In Section 19 the words "at common law" are stricken out, because the common law of England is not in force in the United States, and the words "under the laws of any State in which the act was committed" are inserted. It is proposed to amend Section 20 by adding at the end of the section the following:

Provided, That in any case the court or a judge thereof may, for good cause shown, by affidavit or proof taken in open court or before such judge and filed with the papers in the case, dispense with the rule to show cause, and may issue an attachment for the arrest of the person charged with contempt; in which event such person, when arrested, shall be brought before such court or a judge thereof without unnecessary delay and shall be admitted to bail in a reasonable penalty for his appearance to answer to the charge or for trial for the contempt; and thereafter the proceedings shall be the same as provided herein in case the rule had issued in the first instance.

The object of this amendment is to insure the presence of a party charged with contempt.

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The bill as reported from the committee is as follows:

Calendar No. 612.

63d Congress, 2d session.

H. R. 15657.

[Report No. 698.]

IN THE SENATE OF THE UNITED STATES.

JUNE 5 (calendar day, JUNE 6), 1914.

Read twice and referred to the Committee on the Judiciary.

JULY 22, 1914.

Reported by Mr. CULBERSON, with amendments.

[Omit the part struck through and insert the part printed in italic.]

AN ACT

To supplement existing laws against unlawful restraints and monopolies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That "antitrust laws," as used herein, includes the Act
4 entitled "An Act to protect trade and commerce against
5 unlawful restraints and monopolies," approved July second,
6 eighteen hundred and ninety; sections seventy-three to
7 seventy-seven, inclusive, of an Act entitled "An Act to
8 reduce taxation, to provide revenue for the Government,
9 and for other purposes," of August twenty-seventh, eighteen

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1 hundred and ninety-four; an Act entitled "An Act to amend
2 sections seventy-three and seventy-six of the Act of August
3 twenty-seventh, eighteen hundred and ninety-four, entitled
4 'An Act to reduce taxation, to provide revenue for the Gov-
5 ernment, and for other purposes,'" approved February
6 twelfth, nineteen hundred and thirteen; and also this Act.

7 "Commerce," as used herein, means trade or commerce
8 among the several States and with foreign nations, or be-
9 tween the District of Columbia or any Territory of the
10 United States and any State, Territory, or foreign nation,
11 or between any insular possessions or other places under
12 the jurisdiction of the United States, or between any such
13 possession or place and any State or Territory of the United
14 States or the District of Columbia or any foreign nation,
15 or within the District of Columbia or any Territory or any
16 insular possession or other place under the jurisdiction of the
17 United States: *Provided, That nothing in this Act contained*
18 *shall apply to the Philippine Islands.*

19 The word "person" or "persons" wherever used in
20 this Act shall be deemed to include corporations and associa-
21 tions existing under or authorized by the laws of either the
22 United States, the laws of any of the Territories, the laws
23 of any State, or the laws of any foreign country.

24 SEC. 2. That *it shall be unlawful for* any person en-
25 gaged in commerce ~~who shall~~ either directly or indirectly *to*

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1 discriminate in price between different purchasers of commod-
2 ities ~~in the same or different sections or communities~~, which
3 commodities are sold for use, consumption, or resale within the
4 United States or any Territory thereof or the District of Colum-
5 bia or any insular possession or other place under the jurisdic-
6 tion of the United States, with the purpose or intent thereby to
7 destroy or wrongfully injure the business of a competitor, of
8 either such purchaser or seller~~, shall be deemed guilty of a mis-~~
9 ~~demeanor, and upon conviction thereof shall be punished~~
10 ~~by a fine not exceeding $5,000, or by imprisonment not~~
11 ~~exceeding one year, or by both, in the discretion of the~~
12 ~~court~~: *Provided*, That nothing herein contained shall pre-
13 vent discrimination in price between purchasers of com-
14 modities on account of differences in the grade, quality, or
15 quantity of the commodity sold, or that makes only due
16 allowance for difference in the cost of *selling or* transportation
17 *or discrimination in price in the same or different communi-*
18 *ties made in good faith to meet competition and not intended*
19 *to create monopoly: And provided further*, That nothing
20 herein contained shall prevent persons engaged in selling
21 goods, wares, or merchandise in commerce from selecting their
22 own customers *in bona fide transactions and not in restraint of*
23 ~~*trade*, except as provided in section three of this Act~~.
24 ~~SEC. 3. That it shall be unlawful for the owner, oper-~~
25 ~~ator, or transporter of the product or products of any mine,~~

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1 ~~oil or gas well, reduction works, refinery, or hydroelectric~~
2 ~~plant producing coal, oil, gas, or hydroelectric energy, or for~~
3 ~~any person controlling the products thereof, engaged in~~
4 ~~selling such product in commerce to refuse arbitrarily to sell~~
5 ~~such product to a responsible person, firm, or corporation~~
6 ~~who applies to purchase such product for use, consumption,~~
7 ~~or resale within the United States or any Territory thereof or~~
8 ~~the District of Columbia or any insular possession or other~~
9 ~~place under the jurisdiction of the United States, and any~~
10 ~~person violating this section shall be deemed guilty of a mis-~~
11 ~~demeanor and shall be punished as provided in the preceding~~
12 ~~section.~~

13 SEC. 4. That *it shall be unlawful for* any person en-
14 gaged in commerce ~~who shall~~ *to* lease or make a sale *or con-*
15 *tract for sale* of goods, wares, merchandise, machinery, sup-
16 plies, or other commodities *whether patented or unpatented* for
17 use, consumption, or resale within the United States, or any
18 Territory thereof or the District of Columbia or any insular
19 possession or other place under the jurisdiction of the United
20 States, or fix a price charged therefor, or discount from, or
21 rebate upon such price, on the condition, agreement, or
22 understanding that the lessee or purchaser thereof shall not
23 use or deal in the goods, wares, merchandise, machinery,
24 supplies, or other commodities of a competitor or com-
25 petitors of the lessor or seller ~~shall be deemed guilty of a~~

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1 ~~misdemeanor, and upon conviction thereof shall be punished~~
2 ~~by a fine not exceeding $5,000, or by imprisonment not~~
3 ~~exceeding one year, or by both, in the discretion of the court.~~
4 SEC. 5. That any person who shall be injured in his
5 business or property by reason of anything forbidden in the
6 antitrust laws may sue therefor in any district court of the
7 United States in the district in which the defendant resides or
8 is found or has an agent, without respect to the amount in
9 controversy, and shall recover threefold the damages by him
10 sustained, and the cost of suit, including a reasonable
11 attorney's fee.
12 SEC. 6. ~~That whenever in any suit or proceeding in~~
13 ~~equity hereafter brought by or on behalf of the United States~~
14 ~~under any of the antitrust laws there shall have been ren-~~
15 ~~dered a final judgment or decree to the effect that a defend-~~
16 ~~ant has entered into a contract, combination in the form of~~
17 ~~trust or otherwise, or conspiracy, in restraint of trade or~~
18 ~~commerce, or has monopolized, or attempted to monopolize~~
19 ~~or combined with any person or persons to monopolize, any~~
20 ~~part of commerce, in violation of any of the antitrust laws,~~
21 ~~said judgment or decree shall, to the full extent to which such~~
22 ~~judgment or decree would constitute in any other proceed-~~
23 ~~ing an estoppel as between the United States and such~~
24 ~~defendant, constitute against such defendant conclusive evi-~~
25 ~~dence of the same facts, and be conclusive as to the same~~

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1 ~~questions of law in favor of any other party in any action or~~
2 ~~proceeding brought under or involving the provisions of any~~
3 ~~of the antitrust laws.~~
4 ~~Whenever any suit or proceeding in equity is hereafter~~
5 ~~brought by or on behalf of the United States, under any of~~
6 ~~the antitrust laws, the statute of limitations in respect of each~~
7 ~~and every private right of action, arising under such antitrust~~
8 ~~laws, and based, in whole or in part, on any matter com-~~
9 ~~plained of in said suit or proceeding in equity, shall be sus-~~
10 ~~pended during the pendency of such suit or proceeding in~~
11 ~~equity.~~
12 *That a final judgment or decree rendered in any suit or*
13 *proceeding in equity brought by or on behalf of the United*
14 *States under the antitrust laws to the effect that a defendant*
15 *has violated said laws shall be prima facie evidence against*
16 *such defendant in any suit or proceeding brought by any*
17 *other party against such defendant under said laws as to all*
18 *matters respecting which said judgment or decree would be*
19 *an estoppel as between the parties thereto.*
20 *Any person may be prosecuted, tried, or punished for any*
21 *offense under the antitrust laws, and any suit arising under*
22 *those laws may be maintained if the indictment is found or*
23 *the suit is brought within six years next after the occurrence of*
24 *the act or cause of action complained of, any statute of limita-*
25 *tion or other provision of law heretofore enacted to the contrary*

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1 *notwithstanding. Whenever any suit or proceeding in equity*
2 *is instituted by the United States to prevent or restrain viola-*
3 *tions of any of the antitrust laws the running of the statute*
4 *of limitations in respect of each and every private right of*
5 *action arising under said laws and based in whole or in part*
6 *on any matter complained of in said suit or proceeding shall*
7 *be suspended during the pendency thereof: Provided, That*
8 *this shall not be held to extend the statute of limitations in*
9 *the case of offenses heretofore committed.*

10 SEC. 7. That nothing contained in the antitrust laws
11 shall be construed to forbid the existence and operation of
12 ~~fraternal,~~ labor, ~~consumers,~~ agricultural, or horticultural
13 organizations, ~~orders, or associations,~~ instituted for the pur-
14 poses of mutual help, and not having capital stock or con-
15 ducted for profit, or to forbid or restrain individual members
16 of such organizations~~, orders, or associations~~ from *lawfully*
17 carrying out the legitimate objects thereof; nor shall such
18 organizations, ~~orders, or associations,~~ or the members thereof,
19 be held or construed to be illegal combinations or conspiracies
20 in restraint of trade, under the antitrust laws.

21 ~~Nothing contained in the antitrust laws shall be con-~~
22 ~~strued to forbid associations of traffic, operating, accounting,~~
23 ~~or other officers of common carriers for the purpose of con-~~
24 ~~ferring among themselves or of making any lawful agree-~~
25 ~~ment as to any matter which is subject to the regu~~ ~~ating or~~

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~~supervisory jurisdiction of the Interstate Commerce Commission, but all such matters shall continue to be subject to such jurisdiction of the commission, and all such agreements shall be entered and kept of record by the carriers, parties thereto, and shall at all times be open to inspection by the commission, but no such agreement shall go into effect or become operative until the same shall have first been submitted to, and approved by, the Interstate Commerce Commission: *Provided*, That nothing in this Act shall be construed as modifying existing laws prohibiting the pooling of earnings or traffic, or existing laws against joint agreements by common carriers to maintain rates.~~

SEC. 8. That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce where the effect of such acquisition is to eliminate or substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to create a monopoly of any line of ~~trade~~ *commerce* ~~in any section or community~~.

No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition, or the use of such stock by the voting or granting of proxies or otherwise, is to eliminate or sub-

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1 stantially lessen competition between such corporations, or
2 any of them, whose stock or other share capital is so acquired,
3 or to create a monopoly of any line of ~~trade~~ *commerce* ~~in any~~
4 ~~section or community~~.

5 This section shall not apply to corporations purchasing
6 such stock solely for investment and not using the same by
7 voting or otherwise to bring about, or in attempting to bring
8 about, the substantial lessening of competition. Nor shall
9 anything contained in this section prevent a corporation
10 engaged in commerce from causing the formation of sub-
11 sidiary corporations for the actual carrying on of their im-
12 mediate lawful business, or the natural and legitimate
13 branches or extensions thereof, or from owning and holding
14 all or a part of the stock of such subsidiary corporations,
15 when the effect of such formation is not to eliminate or
16 substantially lessen competition.

17 ~~Nothing contained in this section shall be held to affect~~
18 ~~or impair any right heretofore legally acquired: *Provided*,~~
19 ~~That nothing in this paragraph shall make stockholding~~
20 ~~relations between corporations legal when such relations~~
21 ~~constitute violations of the antitrust laws.~~

22 Nor shall anything herein contained be construed to
23 prohibit any ~~railroad corporation~~ *common carrier subject*
24 *to the laws to regulate commerce* from aiding in the con-
25 struction of ~~branch~~ *branches* or short ~~line~~ *lines* ~~railroads~~ so

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located as to become feeders to the main line of the company so aiding in such construction or from acquiring or owning all or any part of the stock of such branch ~~line~~ *lines*, nor to prevent any ~~railroad corporation~~ *such common carrier* from acquiring and owning all or any part of the stock of a branch or short line ~~railroad~~ constructed by an independent company where there is no substantial competition between the company owning the branch line so constructed and the company owning the main line acquiring the property or an interest therein nor to prevent ~~any railroad company~~ *such common carrier* from extending any of its lines through the medium of the acquisition of stock or otherwise of any other ~~railroad company~~ *such common carrier* where there is no substantial competition between the company extending its lines and the company whose stock, property, or an interest therein is so acquired.

Nothing contained in this section shall be held to affect or impair any right heretofore legally acquired: Provided, That nothing herein shall be held or construed to authorize or make lawful anything prohibited and made illegal by the antitrust laws

~~A violation of any of the provisions of this section shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.~~

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1 SEC. 9. ~~That from and after two years from the date of~~
2 ~~the approval of this Act no person who is engaged as an~~
3 ~~individual, or who is a member of a partnership, or is a~~
4 ~~director or other officer of a corporation that is engaged in~~
5 ~~the business, in whole or in part, of producing or selling~~
6 ~~equipment, materials, or supplies to, or in the construction or~~
7 ~~maintenance of, railroads or other common carriers engaged~~
8 ~~in commerce, shall act as a director or other officer or~~
9 ~~employee of any other corporation or common carrier en-~~
10 ~~gaged in commerce to which he, or such partnership or cor-~~
11 ~~poration, sells or leases, directly or indirectly, equipment,~~
12 ~~materials, or supplies, or for which he or such partnership or~~
13 ~~corporation, directly or indirectly, engages in the work of~~
14 ~~construction or maintenance; and after the expiration of said~~
15 ~~period no person who is engaged as an individual or who is~~
16 ~~a member of a partnership or is a director or other officer of~~
17 ~~a corporation which is engaged in the conduct of a bank or~~
18 ~~trust company shall act as a director or other officer or em-~~
19 ~~ployee of any such common carrier for which he or such~~
20 ~~partnership or bank or trust company acts, either separately~~
21 ~~or in connection with others, as agent for or underwriter of~~
22 ~~the sale or disposal by such common carrier of issues or parts~~
23 ~~of issues of its securities, or from which he or such partner-~~
24 ~~ship or bank or trust company purchases, either separately~~

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1 ~~or in connection with others, issues or parts of issues of se-~~
2 ~~curities of such common carriers.~~
3 *After two years from the approval of this Act no com-*
4 *mon carrier engaged in commerce having upon its board of*
5 *directors or as its president, manager, or purchasing officer*
6 *or agent any person who is at the same time an officer, director,*
7 *manager, or general agent of, or who has any direct or indi-*
8 *rect interest in, another corporation, firm, partnership or*
9 *association, with which latter corporation, firm, partnership or*
10 *association or with such person such common carrier shall*
11 *make purchases of supplies or articles of commerce or have*
12 *any dealings in securities, railroad supplies or other articles*
13 *of commerce or contracts for construction or maintenance of*
14 *any kind with any such corporation, firm, partnership, or*
15 *association to the amount of more than $50,000 in any one*
16 *year, unless and except such purchases shall be made from or*
17 *such dealings shall be with the bidder whose bid is the most*
18 *favorable to such common carrier, to be ascertained by com-*
19 *petitive bidding after public notice published in a newspaper*
20 *or newspapers of general circulation, to be named and the*
21 *time, character and scope of the publication to be prescribed*
22 *by rule or otherwise by the Interstate Commerce Commission.*
23 *No bid shall be received unless the names and addresses of*
24 *the officers, directors, and general managers thereof, if it be*

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1 *a corporation, or of the members, if it be a partnership or*
2 *firm, be given with the bid.*
3 *Any person who shall, directly or indirectly, do or at-*
4 *tempt to do anything to prevent anyone from bidding or shall*
5 *do any act to prevent free and fair competition among the*
6 *bidders or those desiring to bid shall be punished as prescribed*
7 *in this section.*
8 *Every such common carrier having any such transactions*
9 *or making any such purchases shall within ten days after*
10 *making the same file with the Interstate Commerce Commission*
11 *a full and detailed statement of the transaction showing the*
12 *manner and time of the advertisement given for competition,*
13 *who were the bidders, and the names and addresses of the*
14 *directors and officers of the corporations and the members of*
15 *the firm or partnership bidding; and whenever the said com-*
16 *mission shall have reason to believe that the law has been*
17 *violated in and about the said purchases or transactions it*
18 *shall transmit all papers and documents and its own views or*
19 *findings regarding the transaction to the Attorney General.*
20 *If any common carrier shall violate this section, every*
21 *director or officer thereof who shall have knowingly voted for*
22 *or directed the act constituting such violation or who shall have*
23 *aided or abetted in such violation shall be deemed guilty of a*
24 *misdemeanor and shall be fined not exceeding $25,000 and con-*

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1 *fined in jail not exceeding two years, in the discretion of the*
2 *court.*

3 ~~That from and after two years from the date of the~~
4 ~~approval of this Act no person shall at the same time be a~~
5 ~~director or other officer or employee of more than one bank,~~
6 ~~banking association, or trust company organized or operat-~~
7 ~~ing under the laws of the United States either of which has~~
8 ~~deposits, capital, surplus, and undivided profits aggregating~~
9 ~~more than $2,500,000; and no private banker or person~~
10 ~~who is a director in any bank or trust company, organized~~
11 ~~and operating under the laws of a State, having deposits,~~
12 ~~capital, surplus, and undivided profits aggregating more than~~
13 ~~$2,500,000, shall be eligible to be a director in any bank or~~
14 ~~banking association organized or operating under the laws~~
15 ~~of the United States. The eligibility of a director, officer, or~~
16 ~~employee under the foregoing provisions shall be determined~~
17 ~~by the average amount of deposits, capital, surplus, and~~
18 ~~undivided profits as shown in the official statements of such~~
19 ~~bank, banking association, or trust company filed as pro-~~
20 ~~vided by law during the fiscal year next preceding the date~~
21 ~~set for the annual election of directors, and when a director,~~
22 ~~officer, or employee has been elected or selected in accord-~~
23 ~~ance with the provisions of this Act it shall be lawful for him~~
24 ~~to continue as such for one year thereafter under said election~~
25 ~~or employment.~~

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1 ~~No bank, banking association, or trust company organ-~~
2 ~~ized or operating under the laws of the United States in any~~
3 ~~city or incorporated town or village of more than one hundred~~
4 ~~thousand inhabitants, as shown by the last preceding decen-~~
5 ~~nial census of the United States, shall have as a director or~~
6 ~~other officer or employee any private banker or any director~~
7 ~~or other officer or employee of any other bank, banking~~
8 ~~association, or trust company located in the same place:~~
9 ~~*Provided*, That nothing in this section shall apply to mutual~~
10 ~~savings banks not having a capital stock represented by~~
11 ~~shares: *Provided further*, That a director or other officer or~~
12 ~~employee of such bank, banking association, or trust com-~~
13 ~~pany may be a director or other officer or employee of not~~
14 ~~more than one other bank or trust company organized under~~
15 ~~the laws of the United States or any State where the entire~~
16 ~~capital stock of one is owned by stockholders in the other:~~
17 ~~*And provided further*, That nothing contained in this section~~
18 ~~shall forbid a director of class A of a Federal reserve bank,~~
19 ~~as defined in the Federal Reserve Act, from being an officer or~~
20 ~~director or both an officer and director in one member bank.~~
21 That from and after two years from the date of the
22 approval of this Act no person at the same time shall be a
23 director in any two or more corporations, ~~either~~ *any one* of
24 which has capital, surplus, and undivided profits aggregating
25 more than $1,000,000, engaged in whole or in part in

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1 commerce, other than common carriers subject to the Act
2 to regulate commerce, approved February fourth, eighteen
3 hundred and eighty-seven, if such corporations are or shall
4 have been theretofore, by virtue of their business and location
5 of operation, competitors, so that ~~an~~ *the* elimination of com-
6 petition by agreement between them would constitute a viola-
7 tion of any of the provisions of any of the antitrust laws. The
8 eligibility of a director under the foregoing provision shall be
9 determined by the aggregate amount of the capital, surplus,
10 and undivided profits, exclusive of dividends declared but not
11 paid to stockholders, at the end of the fiscal year of said cor-
12 poration next preceding the election of directors, and when a
13 director has been elected in accordance with the provisions
14 of this Act it shall be lawful for him to continue as such for
15 one year thereafter.

16 When any person elected or chosen as a director or
17 officer or selected as an employee of any ~~bank or other~~ cor-
18 poration subject to the provisions of this Act is eligible at
19 the time of his election or selection to act for such ~~bank or~~
20 ~~other~~ corporation in such capacity, his eligibility to act in
21 such capacity shall not be affected and he shall not become
22 or be deemed amenable to any of the provisions hereof by
23 reason of any change in the affairs of such ~~bank or other~~
24 corporation from whatsoever cause, whether specifically
25 excepted by any of the provisions hereof or not, until the

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1 expiration of one year from the date of his election or
2 employment.

3 ~~That any person who shall violate any of the provisions~~
4 ~~of this section shall be guilty of a misdemeanor and shall be~~
5 ~~punished by a fine of not exceeding $100 a day for each~~
6 ~~day of the continuance of such violation, or by imprison-~~
7 ~~ment for such period as the court may designate, not exceed-~~
8 ~~ing one year, or by both, in the discretion of the court.~~

9 *Sec. 9a. Every president, director, officer or manager*
10 *of any firm, association or corporation engaged in*
11 *commerce as a common carrier, who embezzles, steals, abstracts*
12 *or willfully misapplies any of the moneys, funds, credits,*
13 *securities, property or assets of such firm, association or*
14 *corporation, or willfully or knowingly converts the same to his*
15 *own use or to the use of another, shall be deemed guilty of a*
16 *felony and upon conviction shall be fined not less than $500*
17 *or confined in the penitentiary not less than one year nor*
18 *more than ten years, or both, in the discretion of the court.*

19 *Prosecutions hereunder may be in the district court of the*
20 *United States for the district wherein the offense may have*
21 *been committed.*

22 *Sec. 9b. That authority to enforce compliance with the*
23 *provisions of sections two, four, eight, and nine of this Act by*
24 *the corporations, associations, partnerships, and individuals*
25 *respectively subject thereto is hereby vested: In the Interstate*

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1 *Commerce Commission where applicable to common carriers*
2 *and in the Federal Trade Commission where applicable to all*
3 *other character of commerce, to be exercised as follows:*
4 *Whenever the commission vested with jurisdiction thereof*
5 *has reason to believe, either upon information furnished by*
6 *its agents or employees or upon complaint, duly verified by*
7 *affidavit, of any interested person, that any corporation, asso-*
8 *ciation, partnership, or individual is violating any of the pro-*
9 *visions of sections two, four, eight, and nine of this Act, it*
10 *shall issue and cause to be served a notice, accompanied with*
11 *a written statement of the violation charged, upon such cor-*
12 *poration, association, partnership, or individual who shall*
13 *thereupon be called upon, within a reasonable time fixed in*
14 *such notice, not to exceed thirty days thereafter, to appear*
15 *and show cause why an order should not issue to restrain and*
16 *prohibit the violation charged. If upon a hearing held pur-*
17 *suant to such notice it shall appear to the commission that any*
18 *of the provisions of said sections have been or are being vio-*
19 *lated, then it shall issue and cause to be served an order com-*
20 *manding such corporation, association, partnership, or in-*
21 *dividual forthwith to cease and desist from such violation, and*
22 *to transfer or dispose of the stock or resign from the director-*
23 *ships held contrary to the provisions of sections eight or nine,*
24 *as the case may be, within the time and in the manner pre-*
25 *scribed in said order. Any such order may be modified or set*

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1 *aside at any time by the commission issuing it for good cause*
2 *shown.*

3 *If any corporation, association, partnership, or indi-*
4 *vidual charged with obedience thereto fails and neglects to*
5 *obey any such order of a commission, the said commission,*
6 *by its attorneys, if any it has, or by the appropriate district*
7 *attorney acting under the direction of the Attorney General*
8 *of the United States, may apply for an enforcement of such*
9 *order to the district court of the United States for the district*
10 *wherein such corporation, association, partnership, or indi-*
11 *vidual is an inhabitant or may be found or transacts any*
12 *business, and therewith transmit to the said court the original*
13 *record in the proceeding, including all the testimony taken*
14 *therein and the report and order of the commission. Upon*
15 *the filing of the record, the court shall have jurisdiction of the*
16 *proceeding and of the questions determined therein and shall*
17 *have power to make and to enter upon the pleadings, testimony,*
18 *and proceedings such orders and decrees as may be just and*
19 *equitable.*

20 *On motion of the commission and on such notice as the*
21 *court shall deem reasonable, the court shall set down the cause*
22 *for summary final hearing. Upon such final hearing the*
23 *finding of the commission shall be prima facie evidence of the*
24 *facts therein stated, but if either party shall apply to the court*
25 *for leave to adduce additional evidence and shall show to the*

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1 *satisfaction of the court that such additional evidence is*
2 *material and that there were reasonable grounds for the fail-*
3 *ure to adduce such evidence in the proceeding before the com-*
4 *mission, the court may allow such additional evidence to be*
5 *taken before the commission or before a master appointed by*
6 *the court and to be adduced upon the hearing in such manner*
7 *and upon such terms and conditions as to the court may seem*
8 *just.*

9 *Disobedience to any order or decree which may be made*
10 *in any such proceeding or any injunction or other process*
11 *issued therein shall be punished by a fine not exceeding $100*
12 *a day during the continuance of such disobedience or by im-*
13 *prisonment not exceeding one year, or by both such fine and*
14 *imprisonment.*

15 *Any party to any proceeding brought under the provisions*
16 *of this section before either the Interstate Commerce Commis-*
17 *sion or the Federal Trade Commission, including the person*
18 *upon whose complaint such proceeding shall have been begun,*
19 *as well as the United States by and through the Attorney*
20 *General thereof, may appeal from any final order made by*
21 *either of such commissions to any court having jurisdiction to*
22 *enforce any order which might have been made upon applica-*
23 *tion of such commission as hereinbefore provided, at any time*
24 *within ninety days from the date of the entry of the order*
25 *appealed from, by serving notice upon the adverse party and*
26 *filing the same with the said commission; and thereupon the*

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1 *same proceedings shall be had as prescribed herein in the case*
2 *of an application by the same commission for the enforcement*
3 *of its order as hereinbefore provided.*
4 *Any final order or decree made by any district court in*
5 *any proceeding brought under this section may be reviewed by*
6 *the Supreme Court upon appeal, as in cases in equity, taken*
7 *within ninety days from the entry of such order or decree.*
8 SEC. 10. That any suit, action, or proceeding under the
9 antitrust laws against a corporation may be brought not only
10 in the judicial district whereof it is an inhabitant, but also
11 any district wherein it may be found or ~~has an agent~~ *transacts*
12 *any business; and all process in such cases may be served in*
13 *the district of which it is an inhabitant, or wherever it may*
14 *be found.*
15 SEC. 11. That in any suit, action, or proceeding brought
16 by or on behalf of the United States subpœnas for witnesses
17 who are required to attend a court of the United States in
18 any judicial district in any case, civil or criminal, arising
19 under the antitrust laws may run into any other districts
20 ~~*Provided*, That in civil cases no writ of subpœna shall issue~~
21 ~~for witnesses living out of the district in which the court is~~
22 ~~held at a greater distance than one hundred miles from the~~
23 ~~place of holding the same without the permission of the trial~~
24 ~~court being first had upon proper application and cause~~
25 ~~shown.~~

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1 SEC. 12. That ~~whenever a corporation shall violate~~
2 ~~any of the provisions of the antitrust laws, such violation~~
3 ~~shall be deemed to be also that of the individual directors,~~
4 ~~officers, or agents of such corporation who shall have au-~~
5 ~~thorized, ordered, or done any of the acts constituting in~~
6 ~~whole or in part such violation, and such violation~~ *every*
7 *director, officer, or agent of a corporation which shall violate*
8 *any of the penal provisions of the antitrust laws, who shall*
9 *have aided, abetted, counseled, commanded, induced, or pro-*
10 *cured such violation*, shall be deemed *guilty of* a misdemeanor,
11 and upon conviction therefor of any such director, officer, or
12 agent he shall be punished by a fine of not exceeding $5,000
13 or by imprisonment for not exceeding one year, or by both,
14 in the discretion of the court.

15 SEC. 13. That the several district courts of the United
16 States are hereby invested with jurisdiction to prevent and
17 restrain violations of this Act, and it shall be the duty of the
18 several district attorneys of the United States, in their re-
19 spective districts, under the direction of the Attorney Gen-
20 eral, to institute proceedings in equity to prevent and restrain
21 such violations. Such proceedings may be by way of peti-
22 tion setting forth the case and praying that such violation
23 shall be enjoined or otherwise prohibited. When the parties
24 complained of shall have been duly notified of such peti-
25 tion, the court shall proceed, as soon as may be, to the hear-

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1 ing and determination of the case; and pending such peti-
2 tion, and before final decree, the court may at any time make
3 such temporary restraining order or prohibition as shall be
4 deemed just in the premises. Whenever it shall appear to
5 the court before which any such proceeding may be pending
6 that the ends of justice require that other parties should be
7 brought before the court, the court may cause them to be
8 summoned, whether they reside in the district in which the
9 court is held or not, and subpœnas to that end may be served
10 in any district by the marshal thereof.

11 SEC. 14. That any person, firm, corporation, or asso-
12 ciation shall be entitled to sue for and have injunctive re-
13 lief, in any court of the United States having jurisdiction
14 over the parties, against threatened loss or damage by a
15 violation of the antitrust laws, *including sections two,*
16 *four, eight, and nine of this Act,* when and under the same
17 conditions and principles as injunctive relief against threat-
18 ened conduct that will cause loss or damage is granted by
19 courts of equity, under the rules governing such proceedings,
20 and upon the execution of proper bond against damages for
21 an injunction improvidently granted and a showing that the
22 danger of irreparable loss or damage is immediate, a pre-
23 liminary injunction may issue~~: *Provided,* That nothing~~
24 ~~herein contained shall be construed to entitle any person,~~
25 ~~firm, corporation, or association, except the United States,~~

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1 ~~to bring suit in equity for injunctive relief against any~~
2 ~~common carrier subject to the provisions of the Act to regu-~~
3 ~~late commerce, approved February fourth, eighteen hun-~~
4 ~~dred and eighty-seven, in respect of any matter subject to~~
5 ~~the regulation, supervision, or other jurisdiction of the In-~~
6 ~~terstate Commerce Commission.~~

7 SEC. 15. That no preliminary injunction shall be issued
8 without notice to the opposite party.

9 No temporary restraining order shall be granted with-
10 out notice to the opposite party unless it shall clearly appear
11 from specific facts shown by affidavit or by the verified bill
12 that immediate and irreparable injury, loss, or damage will
13 result to ~~property or a property right of~~ the applicant before
14 notice ~~could~~ *can* be served ~~or~~ *and a* hearing had thereon.
15 Every such temporary restraining order shall be indorsed with
16 the date and hour of issuance, shall be forthwith filed in the
17 clerk's office and entered of record, shall define the injury and
18 state why it is irreparable and why the order was granted
19 without notice, and shall by its terms expire within such
20 time after entry, not to exceed ten days, as the court or
21 judge may fix, *unless within the time so fixed the order is ex-*
22 *tended for a like period for good cause shown, and the reasons*
23 *for such extension shall be entered of record.* In case a
24 temporary restraining order shall be granted without no-
25 tice in the contingency specified, the matter of the

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1 issuance of a preliminary injunction shall be set down for
2 a hearing at the earliest possible time and shall take preced-
3 ence of all matters except older matters of the same char-
4 acter; and when the same comes up for hearing the party
5 obtaining the temporary restraining order shall proceed with
6 ~~his~~ *the* application for a preliminary injunction, and if he does
7 not do so the court shall dissolve ~~his~~ *the* temporary restraining
8 order. Upon two days' notice to the party obtaining such
9 temporary restraining order the opposite party may appear
10 and move the dissolution or modification of the order, and in
11 that event the court or judge shall proceed to hear and
12 determine the motion as expeditiously as the ends of justice
13 may require.

14 Section two hundred and sixty-three of an Act entitled
15 "An Act to codify, revise, and amend the laws relating to
16 the judiciary," approved March third, nineteen hundred
17 and eleven, is hereby repealed.

18 Nothing in this section contained shall be deemed to
19 alter, repeal, or amend section two hundred and sixty-six of
20 an Act entitled "An Act to codify, revise, and amend the
21 laws relating to the judiciary," approved March third, nine-
22 teen hundred and eleven.

23 SEC. 16. That~~, except as otherwise provided in section~~
24 ~~fourteen of this Act,~~ no restraining order or interlocutory
25 order of injunction shall issue, except upon the giving of

S R—63-2—vol 2——31

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1 security by the applicant in such sum as the court or judge
2 may deem proper, conditioned upon the payment of such
3 costs and damages as may be incurred or suffered by any
4 party who may be found to have been wrongfully enjoined
5 or restrained thereby.

6 SEC. 17. That every order of injunction or restraining
7 order shall set forth the reasons for the issuance of the same,
8 shall be specific in terms, and shall describe in reasonable
9 detail, and not by reference to the bill of complaint or other
10 document, the act or acts sought to be restrained, and shall
11 be binding only upon the parties to the suit, their *officers,*
12 agents, servants, employees, and attorneys, or those in active
13 concert *or participating* with them, and who shall, by personal
14 service or otherwise, have received actual notice of the same.

15 SEC. 18. That no restraining order or injunction shall
16 be granted by any court of the United States, or a judge or
17 the judges thereof, in any case between an employer and em-
18 ployees, or between employers and employees, or between
19 employees, or between persons employed and persons seek-
20 ing employment, involving, or growing out of, a dispute
21 concerning terms or conditions of employment, unless neces-
22 sary to prevent irreparable injury to property, or to a prop-
23 erty right, of the party making the application, for which
24 injury there is no adequate remedy at law, and such property
25 or property right must be described with particularity in

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1 the application, which must be in writing and sworn to by
2 the applicant or by his agent or attorney.
3 And no such restraining order or injunction shall pro-
4 hibit any person or persons *whether singly or in concert* from
5 terminating any relation of employment, or from ceasing to
6 perform any work or labor, or from recommending, advising, or
7 persuading others by peaceful means so to do; ~~or from attending~~
8 ~~at or near a house or place where any person resides or works,~~
9 ~~or carries on business or happens to be, for the purpose of~~
10 ~~peacefully obtaining or communicating information,~~ or ~~of~~
11 *from* peacefully persuading any person to work or to abstain
12 from working; or from ~~ceasing to patronize or to employ~~
13 *withholding their patronage from* any party to such dispute,
14 or from recommending, advising, or persuading others by
15 peaceful *and lawful* means so to do; or from paying or giving
16 to, or withholding from, any person engaged in such dispute,
17 any strike benefits or other moneys or things of value; or
18 from peaceably assembling ~~at any place~~ in a lawful manner,
19 and for lawful purposes; or from doing any act or thing
20 which might lawfully be done in the absence of such dispute
21 by any party thereto; nor shall any of the acts specified in
22 this paragraph be considered or held ~~unlawful~~ *to be violations*
23 *of the antitrust laws.*
24 SEC. 19. That any person who shall willfully disobey
25 any lawful writ, process, order, rule, decree, or command of

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1 any district court of the United States or any court of the
2 District of Columbia by doing any act or thing therein, or
3 thereby forbidden to be done by him, if the act or thing so
4 done by him be of such character as to constitute also a
5 criminal offense under any statute of the United States, or ~~at~~
6 ~~common law~~ *under the laws of any State in which the act was*
7 *committed*, shall be proceeded against for his said contempt
8 as hereinafter provided.

9 SEC. 20. That whenever it shall be made to appear to
10 any district court or judge thereof, or to any judge therein
11 sitting, by the return of a proper officer on lawful process,
12 or upon the affidavit of some credible person, or by informa-
13 tion filed by any district attorney, that there is reasonable
14 ground to believe that any person has been guilty of such
15 contempt, the court or judge thereof, or any judge therein
16 sitting, may issue a rule requiring the said person so charged
17 to show cause upon a day certain why he should not be
18 punished therefor, which rule, together with a copy of the
19 affidavit or information, shall be served upon the person
20 charged, with sufficient promptness to enable him to prepare
21 for and make return to the order at the time fixed therein.
22 If upon or by such return, in the judgment of the court, the
23 alleged contempt be not sufficiently purged, a trial shall be
24 directed at a time and place fixed by the court: *Provided,*
25 *however*, That if the accused, being a natural person, fail or

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1 refuse to make return to the rule to show cause, an attach-
2 ment may issue against his person to compel an answer,
3 and in case of his continued failure or refusal, or if for any
4 reason it be impracticable to dispose of the matter on the
5 return day, he may be required to give reasonable bail for
6 his attendance at the trial and his submission to the final
7 judgment of the court. Where the accused ~~person~~ is a body
8 corporate, an attachment for the sequestration of its prop-
9 erty may be issued upon like refusal or failure to answer.

10 In all cases within the purview of this Act such trial
11 may be by the court, or, upon demand of the accused, by a
12 jury; in which latter event the court may impanel a jury
13 from the jurors then in attendance, or the court or the judge
14 thereof in chambers may cause a sufficient number of jurors
15 to be selected and summoned, as provided by law, to attend
16 at the time and place of trial, at which time a jury shall be
17 selected and impaneled as upon a trial for misdemeanor;
18 and such trial shall conform as near as may be to the
19 practice in criminal cases prosecuted by indictment or upon
20 information.

21 If the accused be found guilty, judgment shall be entered
22 accordingly, prescribing the punishment, either by fine or
23 imprisonment, or both, in the discretion of the court. Such
24 fine shall be paid to the United States or to the complain-
25 ant or other party injured by the act constituting the con-

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1 tempt, or may, where more than one is so damaged, be
2 divided or apportioned among them as the court may direct,
3 but in no case shall the fine to be paid to the United States
4 exceed, in case the accused is a natural person, the sum of
5 $1,000, nor shall such imprisonment exceed the term of six
6 months~~.~~: *Provided, That in any case the court or a judge*
7 *thereof may, for good cause shown, by affidavit or proof taken*
8 *in open court or before such judge and filed with the papers*
9 *in the case, dispense with the rule to show cause, and may issue*
10 *an attachment for the arrest of the person charged with con-*
11 *tempt; in which event such person, when arrested, shall be*
12 *brought before such court or a judge thereof without unneces-*
13 *sary delay and shall be admitted to bail in a reasonable*
14 *penalty for his appearance to answer to the charge or for trial*
15 *for the contempt; and thereafter the proceedings shall be the*
16 *same as provided herein in case the rule had issued in the first*
17 *instance.*

18 SEC. 21. That the evidence taken upon the trial of any
19 persons so accused may be preserved by bill of exceptions, and
20 any judgment of conviction may be reviewed upon writ of
21 error in all respects as now provided by law in criminal cases,
22 and may be affirmed, reversed, or modified as justice may re-
23 quire. Upon the granting of such writ of error, execution
24 of judgment shall be stayed, and the accused, if thereby sen-
25 tenced to imprisonment, shall be admitted to bail in such

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1 reasonable sum as may be required by the court, or by any
2 justice, or any judge of any district court of the United
3 States or any court of the District of Columbia.

4 SEC. 22. That nothing herein contained shall be con-
5 strued to relate to contempts committed in the presence of
6 the court, or so near thereto as to obstruct the administra-
7 tion of justice, nor to contempts committed in disobedience
8 of any lawful writ, process, order, rule, decree, or command
9 entered in any suit or action brought or prosecuted in the
10 name of, or on behalf of, the United States, but the same,
11 and all other cases of contempt not specifically embraced
12 within section nineteen of this Act, may be punished in con-
13 formity to the usages at law and in equity now prevailing.

14 SEC. 23. That no proceeding for contempt shall be
15 instituted against any person unless begun within one year
16 from the date of the act complained of; nor shall any such
17 proceeding be a bar to any criminal prosecution for the same
18 act or acts; but nothing herein contained shall affect any
19 proceedings in contempt pending at the time of the passage
20 of this Act.

Passed the House of Representatives June 5, 1914.

Attest: SOUTH TRIMBLE,

Clerk.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 699.

VALIDATING LOCATIONS OF PHOSPHATE ROCK DEPOSITS.

JULY 22, 1914.—Ordered to be printed.

Mr. SMOOT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6106.]

The Committee on Public Lands, to which was referred the bill (S. 6106) validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States, having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

On page 1, line 3, strike out the words "supposed to contain" and insert in lieu thereof the word "containing."

As thus amended the committee recommend that the bill do pass.

The above bill is identical with H. R. 17906, Sixty-third Congress, second session, upon which the Department of the Interior on July 18, 1914, made the following favorable report to the chairman of the Committee on the Public Lands, House of Representatives:

DEPARTMENT OF THE INTERIOR,
Washington, July 18, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have your request of July 15, 1914, for report on House bill No. 17906, Sixty-third Congress, entitled "A bill validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States." The object of the bill is apparently to validate those placer-mining locations made in good faith on phosphate deposits and permit such claims to be perfected by application, entry, and the issuance of patent under the provisions of the placer-mining laws where such locations have antedated withdrawal of the phosphate lands, and also where there is no adverse or conflicting claim under a lode location. With the purpose to be accomplished by this legislation I am in hearty accord.

This department on May 19, 1908, expressed its indorsement of House bill No. 21873, Sixtieth Congress. One of the provisions of that bill declared that deposits of phosphate should be subject to location and entry under the placer-mining laws and that all placer locations theretofore made might be perfected. On January 16, 1911, in reporting on H. R. 31651, which provided for adjustments of conflicts between placer and lode locators of phosphate lands, the department concluded as follows:

"In view of the differences of opinion among attorneys and among the locators as to whether the deposits are of a formation properly locatable and entorable under the lode

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or placer mining laws, considerable confusion has resulted, locations having been made of similar formations of the deposits under both laws. It is believed that the measure in question is equitable, will diminish contests and litigation, and that it should be enacted into law."

Said bill, No. 31651, Sixty-first Congress, was passed by the House on February 21, 1911, but failed of passage in the Senate and did not become a law. A similar bill (H. R. 8883) was introduced in the Sixty-second Congress and favorable report by this department was submitted thereon May 18, 1912, in which, after quoting from the last above-mentioned report, it was stated that the same condition then obtained as existed in 1911. This department, in the case of the Harry Lode mining claim (41 L. D., 403), decided on December 12, 1912, that a deposit of phosphate rock confined by well-defined boundaries constituted a vein or lode of mineral-bearing rock in place, and that such a deposit was subject to disposition only under the provision of the lode-mining laws. In cases arising in the Federal courts where the question of the proper classification of these phosphate deposits was involved the courts have decided that they are lode formations and subject to appropriation only under the lode-mining laws. See cases of San Francisco Chemical Co. *v.* Duffield et al. (201 Fed., 830) and Duffield et al. *v.* San Francisco Chemical Co. (205 Fed., 486); and also first case (229 U. S., 609) where petition for certiorari was denied.

Where the asserted placer-mining locations on the phosphate deposits antedated withdrawals and where no conflicting adverse lode locations are involved, this department perceives no objection to the confirmation of such locations and the authorization of the issuance of patent thereon. In the absence, however, of remedial legislation these locations can not be passed to entry and patent. The only relief the department, under the condition of the law as it now exists is able to extend to such placer locators is to permit them after a modification of the outstanding phosphate withdrawal has been secured to reform their locations or make new locations under the lode mining laws, and thereupon to proceed to entry and patent. Prior to 1912 it was the practice of the department to permit locations under either the lode or the placer mining laws to pass to patent, but consideration of the Harry Lode Mining Claim, supra, and the position taken by the Federal courts in the decisions above mentioned precluded the further pursuit of such a practice. Since that time no patents have issued to placer locators.

The remedial legislation in the bill is therefore essential, and in the opinion of this department should be enacted.

I would suggest that in the first line of the bill the words "supposed to contain" be stricken out, and there be substituted therefor the word "containing." This will make the act more definite and harmonize it with the provisions of the mining laws. Section 2319, Revised Statutes, provides that lands in which valuable mineral deposits are found are subject to occupation and purchase.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 700.

PATENT FOR CERTAIN LANDS TO SUSANVILLE, CAL.

JULY 22, 1914.—Ordered to be printed.

Mr. WORKS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 16476.]

The Committee on Public Lands, to which was referred the bill (H. R. 16476) authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

This proposed legislation was thoroughly investigated by the House Committee on Public Lands, as will appear upon reference to House Report No. 740, in which the following language is used:

> The lands involved in this bill lie north and east of Susanville about 2 miles, and is ideally located for a garbage and dumping ground and incinerating plant. The land is covered with rocks and is of no value for agricultural purposes, and has no timber on it of any kind. It is well situated with reference to the city of Susanville for the purposes for which it is desired to be used by the city for municipal purposes. It will be noted that in addition to the reservation clause that the city is to use it for municipal purposes only, and at no time for any other purpose, as well as the reservation of all gas, oil, coal, and other mineral deposits to the United States; that the city of Susanville is to pay the usual price of $1.25 per acre for the tract of land covered by the bill, which has an area of 40 acres.

The bill also has the approval of the Department of the Interior, as evidenced by the following letter from the department to the chairman of the Committee on Public Lands, House of Representatives:

> DEPARTMENT OF THE INTERIOR,
> *Washington, May 25, 1914.*

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of report of H. R. 16476, a bill to authorize the issuance of patent to the city of Susanville, Cal., for the NE. ¼ of the SW. ¼ of sec. 28, T. 30 N., R. 12 E., Mount Diablo base and meridian, for municipal purposes, and in response I have the honor to advise you that said tract appears to be unappropriated public land. The bill makes no reservation of mineral deposits and I therefore recommended that it be amended by adding thereto the words, "*Provided further,*

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That such patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits that may be found in said land, and the right to the use of the land for extracting the same." The word "confer" in line 4, page 1, should be changed to "convey."

It appears from a communication in the General Land Office that the city desires to secure title to said land for a public dumping ground, and if the bill is amended as suggested, I have no objection to interpose to its enactment into law.

Respectfully,

A. A. JONES,
First Assistant Secretary.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 702.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER.

JULY 23, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 17005.]

The Committee on Commerce, to whom was referred the bill (H. R. 17005) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River at or near Williamson, W. Va., having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter to the Committee on Interstate and Foreign Commerce of the House of Representatives, which, with the report of the same committee, is made a part of this report:

[House Report No. 811, Sixty-third Congress, second session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17005) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River at or near Williamson, W. Va., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

[Second indorsement.]

WAR DEPARTMENT, *June 9, 1914.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, United States House of Representatives.

The Chief of Engineers reports that H. R. 17005, Sixty-third Congress, second session, authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River at or near Williamson, W. Va., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

HENRY BRECKINRIDGE,
Assistant Secretary of War.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 703.

BRIDGE ACROSS ST. JOHN RIVER AT FORT KENT, ME.

JULY 23, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 16579.]

The Committee on Commerce, to whom was referred the bill (H. R. 16579) to authorize the construction of a bridge across St. John River at Fort Kent, Me., having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter to the Committee on Interstate and Foreign Commerce of the House of Representatives and the report of said committee, which is made a part of this report:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 16579) to authorize the construction of a bridge across St. John River at Fort Kent, Me., having considered the same, report thereon with amendments and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Strike out, page 1, line 5, the word "highway."

Insert, page 1, line 6, after the word "River," the words "at a point suitable to the interests of navigation."

Strike out, page 1, line 8, the words "Saint Francis, in the" and insert the words "Clair, also commonly known as the parish of Saint Francis, in the."

[Second indorsement.]

WAR DEPARTMENT, *May 26, 1914.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that House bill 16579, Sixty-third Congress, second session, to authorize the construction of a bridge across St. John River at Fort Kent, Me., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress as far as those interests are concerned.

HENRY BRECKINRIDGE,
Assistant Secretary of War.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 704.

BRIDGE ACROSS THE ARKANSAS RIVER AT LITTLE ROCK, ARK.

JULY 23, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6084.]

The Committee on Commerce, to whom was referred the bill (S. 6084) to grant the consent of Congress for the county of Pulaski, State of Arkansas, to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark., having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

[Second indorsement.]

WAR DEPARTMENT, *July 18, 1914.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 6084, Sixty-third Congress, second session, to grant the consent of Congress for the county of Pulaski, State of Arkansas, to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress, so far as those interests are concerned.

HENRY BRECKINRIDGE,
Acting Secretary of War.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 705.

LANDS FOR SCHOOL PURPOSES IN CHELAN COUNTY, WASH.

JULY 23, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 4146.]

The Committee on Public Lands, to which was referred the bill (S. 4146) granting certain lands to school district No. 44, Chelan County, Wash., having had the same under consideration, recommends its passage without amendment, and as a part of the report submits herewith letters from the Department of Agriculture and from the Department of the Interior. Your committee can see no objection to the passage of this bill. The use of the lands for reservoir purposes is very remote. The area, too, is small, is included within a forest reserve, is of comparatively little value, and can not be put to better use than as a schoolhouse site.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 30, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

DEAR SIR: I wish to acknowledge receipt of a copy of the bill (S. 4146) "granting certain lands to school district numbered forty-four, Chelan County, Washington," from the clerk of your committee, with the request that this department submit a report thereon, together with such suggestions and recommendations as it may see fit to offer.

School district 44, Chelan County, Wash., is now occupying and using the tract in lot 3, section 13, township 27 north, range 16 east, W. M. So far as the records of this department show, it is believed that the area is Government land. It is suggested, however, that the bill be referred to the Department of the Interior so that the status of the area may be obtained.

This department has no objection to the passage of the bill.

Very truly, yours,

B. T. GALLOWAY, *Acting Secretary.*

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DEPARTMENT OF THE INTERIOR,
Washington, March 24, 1914.

HON. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I am in receipt of your request for report upon S. 4146, which proposes to grant school district No. 44 of Chelan County, Wash., 1.77 acres of public lands, which, it is stated, is now used and occupied by the district for school purposes.

I am advised that the land in question is situate within the limits of the Wenatchee National Forest, within a withdrawal made January 17, 1911, under act of June 25, 1910 (36 Stat., 847), for possible use as a reservoir site in connection with a proposed irrigation project, and also subject to a right of way granted for irrigation purposes under the act of March 3, 1891 (26 Stat., 1095).

I am unable to state whether the 1.77 acres proposed to be granted would be actually included within the flowage limits of a reservoir were one constructed, but the acreage proposed to be granted is relatively of such slight importance that in my opinion the reservoir possibilities, particularly in view of the fact that the land is already occupied for school purposes, need not prevent the grant. This department, therefore, has no objection to the enactment of S. 4146.

Very truly, yours.

A. A. JONES,
First Assistant Secretary.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 706.

RAILROAD SECURITIES.

JULY 23, 1914.—Ordered to be printed.

Mr. NEWLANDS, from the Committee on Interstate Commerce, submitted the following

REPORT.

[To accompany H. R. 16586.]

The Committee on Interstate Commerce, to whom was referred the bill (H. R. 16586) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes, having considered the same, beg leave to report the bill with certain amendments and as amended that the bill do pass.

The bill as proposed to be amended by your committee is appended hereto.

[H. R. 16586, Sixty-third Congress, second session.]

AN ACT To amend section twenty of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. That section twenty of an act entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, as amended, be amended so as hereafter to read as follows:

"SEC. 20. That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, and from the owners of all railroads engaged in interstate commerce as defined in this act; to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual report shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees, and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning

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fares or freights, or agreements, arrangements, or contracts affecting the same, as the commission may require; and the commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

"Said detailed reports shall contain all the required statistics for the period of twelve months ending on the thirtieth day of June in each year, or on the thirty-first day of December in each year if the commission by order substitute that period for the year ending June thirtieth, and shall be made out under oath and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission; and if any carrier, person, or corporation subject to the provisions of this act shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within the time fixed by the commission, such party shall forfeit to the United States the sum of $100 for each and every day it shall continue to be in default with respect thereto. The commission shall also have authority by general or special orders to require said carriers, or any of them, to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special, reports concerning any matters about which the commission is authorized or required by this law, or by any other law, to inquire or to keep itself informed or which it is required to enforce, including the matter of making public, by appropriate means, any information regarding the issuance by said carriers of stocks, bonds, or other evidences of interest or indebtedness. In such periodical or special reports the commission may require of the carrier, in addition to its income account, a balanced statement of its receipts and expenditures on capital account, and of the surplus of the income account accruing during the period covered by such statement, as well as of all other financial transactions that have taken place during such period, with whom had, whether in cash, in securities, or in other valuable consideration. The commission may also require the carrier to compile for the information of its stockholders such facts in regard to the financial transactions of the carrier for its fiscal year and in such form as the commission may direct.

"Such periodical or special reports ~~to the commission, and reports of the carriers to stockholders,~~ shall be under oath whenever the commission so requires; and if and such carrier shall fail to make and file any such periodical or special report, ~~or report to its stockholders,~~ within the time fixed by the commission, it shall be subject to the forfeitures last above provided.

"Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this act.

"The oath required by this section may be taken before any person authorized to administer an oath by the laws of the place in which the same is taken.

"The commission shall have the power to investigate all financial transactions of said carriers and to examine into the actual cost and value of property acquired by, or services rendered to, said carriers. ~~The carrier may be required by order of the commission to disclose every interest, direct or indirect, of the~~ *The* directors, stockholders, officers, agents, attorneys, employees, receivers, or operating trustees of ~~such~~ *any* carrier *may be required by order of the commission to disclose every interest, direct or indirect, which they have* in any transaction under investigation. In addition to the certificates and reports herein mentioned, the commission may require the carrier to furnish any further statements of fact or evidence that it may deem necessary or appropriate relating to business transactions of, for, or with said carrier.

"The commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic, as well as the receipts and expenditures of moneys, and it shall be unlawful for said carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission.

"In case of failure or refusal on the part of any said carrier to keep such accounts, records, and memoranda in the manner prescribed by the commission, said carrier shall forfeit to the United States the sum of $500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

"The commission shall at all times have access to all accounts, records, memoranda, correspondence, documents, papers, and other writings *of the carrier*, regardless of the dates thereof, relating to ~~financial~~ transactions of, for, or with said ~~carriers, and~~

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carrier kept or preserved by or for, or in the *care*, custody or ~~under the~~ control of *said carrier, or of any person for said carrier;*

~~"(a) Any carrier subject to this act;~~

~~"(b) Any director, stockholder, officer, agent, attorney, employee, receiver, or operating trustee of said carrier;~~ *provided, that all communications between attorney and client, giving or seeking professional advice, shall be deemed privileged.*

~~"(c) Any other person, persons, corporation, joint-stock company, or corporate combination having, or having had, any financial transactions with or for said carrier;~~

"The commission may employ special agents or examiners, who shall have authority under the order of the commission to inspect, examine, and take copies of any and all accounts, records, memoranda, correspondence, documents, papers and other writings to which the commission has the right of access as above provided. Failure or refusal to afford such access shall constitute an offense for which the offender shall forfeit to the United States the sum of five hundred dollars for each such offense, and for each and every day of the continuance of the offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

"Any person or persons, natural or artificial, who shall willfully make, or cause to be made, any false entry in any accounts, records, or memoranda kept by a carrier subject to this act, or who shall willfully neglect or fail to make, or cause to be made, full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep or cause to be kept any other accounts, records, or memoranda of said business than those prescribed or approved by the commission, or who shall willfully file, or cause to be filed, any application, certificate, or other paper required under this act containing false or erroneous statements of fact, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify any accounts, records, memoranda, correspondence, documents, papers, or other writings to which the commission has the right of access as above provided, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than one thousand dollars nor more than five thousand dollars or, if a natural person, to imprisonment for a term of not less than one year nor more than three years, or to both such fine and imprisonment, in the discretion of the court. In construing and enforcing the provisions of this section, the act of any director, stockholder, officer, agent, attorney, employee, receiver, operating trustee, or other person acting for or employed by any carrier, corporation, joint-stock company, or other corporate combination, acting within the scope of his employment, shall be deemed the act of the carrier, corporation, joint-stock company, or other corporate combination, as well as that of the person so acting. The commission may, in its discretion, issue orders designating the operating, accounting, or financial papers, records, books, blanks, tickets, stubs, documents, or other papers or writings to which the commission has the right of access as aforesaid, which may, after a reasonable time, be destroyed, and prescribing the length of time that all or any of the same shall be preserved.

"Any examiner who divulges any fact or information which may come to his knowledge during the course of such examination, except in so far as he may be directed by the commission, or by a court or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than $5,000 or to imprisonment for a term of not exceeding two years, or to both such fine and imprisonment, in the discretion of the court.

"The district courts of the United States shall have jurisdiction, upon the application of the Attorney General of the United States at the request of the commission, alleging a failure to comply with, or a violation of, any of the provisions of said act to regulate commerce, or of any act supplementary thereto or amendatory thereof, by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said acts, or any of them.

"And to carry out and give effect to the provisions of the act to regulate commerce or any ~~amendment~~ *act supplementary thereto or amendatory* thereof the commission is hereby authorized to employ special agents or examiners, who shall have power to administer oaths, examine witnesses, and receive evidence.

~~"Any common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered, or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed:~~ *Provided*, ~~That nothing in this section shall deprive any~~

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~~holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.~~

"*Any common carrier, railroad, or transportation company receiving property for transportation from a point in one State or Territory or the District of Columbia to a point in another State, Territory, District of Columbia, or foreign country shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever, shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; and any such common carrier, railroad, or transportation company so receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or to a foreign country, or for transportation wholly within a Territory shall be liable to the lawful holder of said receipt or bill of lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to such property caused by it or by any common carrier, railroad, transportation company to which such property may be delivered or over whose line or lines such property may pass, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void: Provided, however, That if the goods are hidden from view by wrapping, boxing, or other means, and the carrier is not notified as to the character of the goods, the carrier may require the shipper to specifically state in writing the value of the goods, and the carrier shall not be liable beyond the amount so specifically stated, in which case the Interstate Commerce Commission may establish and maintain rates for transportation, dependent upon the value of the property shipped as specifically stated in writing by the shipper. Such rates shall be published as are other rate schedules: Provided, further, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law: Provided further, That it shall be unlawful for any common carrier to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of claims than ninety days, and for the filing of claims for a shorter period than four months, and for the institution of suits than two years: Provided, however, That if the loss, damage, or injury complained of was due to delay or damage while being loaded or unloaded, or damaged in transit by carelessness or negligence, then no notice of claim nor filing of claim shall be required as a condition precedent to recovery.*

"The common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof."

SEC. 2. That the act to regulate commerce as amended be further amended by inserting therein a *two* new ~~section~~ *sections*, to be designated ~~section~~ *sections* twenty a *and twenty b, respectively*, to be placed after section twenty and before section twenty-one, to read as follows:

"SEC. 20a. That from and after the ~~passage hereof~~ *first day of July, nineteen hundred and fifteen*, it shall be unlawful for any common carrier *railroad corporation* subject to the act to regulate commerce, as amended, to issue any ~~capital~~ stock, ~~or certificate of stock or any~~ bond, or other evidence of interest in or indebtedness of the carrier (hereinafter collectively termed 'securities'), or to assume any obligation ~~or liability as lessor of another carrier, or as lessee, guarantor, surety, or otherwise in respect of~~ *for* the securities of any other person, natural or artificial, ~~if connected with or relating to that part of the business of such carrier governed by the act to regulate commerce as amended,~~ even though permitted by the authority creating the carrier corporation—

"(a) unless it be for some purpose within its corporate powers ~~and in the public interest, necessary or appropriate to the proper performance of its service for the public, and not tending to~~ *and for the construction, extension, enlargement, betterment, or equipment of its railroad and facilities used or to be used in its business as a common carrier or some common carrier line comprised or to be comprised in the transportation system of which it forms a part, or the payment or refunding of valid indebtedness, or for the reimbursement of its treasury or the treasury of any company forming a part of its transportation system of moneys temporarily advanced from its earnings to accomplish the purposes herein specified, or for the lawful acquisition of the property of or interest in another common carrier corporation or for the protection or improvement of property*

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heretofore acquired not connected with its business as a common carrier if such last named expenditure will not injuriously affect the public interest nor impair the ~~financial~~ ability of the ~~carrier to discharge its duty to the public~~ *corporation to perform its public service as a common carrier;* and

"(b) unless and until, and then only to the extent that, upon application by the carrier, and after investigation by the commission of the purposes and uses of the *proposed* issue and the proceeds thereof, ~~such issue is approved by order of the commission as~~ *or of the proposed obligation, the commission shall find the same to be in compliance with the aforesaid provisions and* reasonably necessary or appropriate for the purposes stated *in said application, and if the commission so finds it shall issue and deliver to the carrier a certificate setting forth its findings, and thereupon the carrier may make such issue or issues of securities or assume such obligation and secure the same by mortgage, pledge, or otherwise as it may deem appropriate and as the commission may approve.*

"*None of said securities or obligations hereby authorized, or the proceeds therefrom, shall be used for any purpose other than as set forth in the application of the carrier, without the consent of the commission thereto first obtained.*

"*The commission shall have power either to fix a minimum price below which said securities shall not be sold or disposed of or said obligations entered into by the carrier, or to require said securities to be offered for sale on competitive bidding, and to make such other rules and regulations relating to the sale or disposition of said securities, or entering into said obligation, and not inconsistent with this act, as in its judgment may be for the best interests of the carrier and the public; and in issuing the certificate aforesaid it may include its order in that behalf.*

"Each such application shall be made in such form as the commission may from time to time determine and prescribe, and shall set forth such matters as the commission may require, including:

"First. (a) The total amount of proposed issue, and how authorized by or on behalf of the carrier;

"(b) The number, ~~and~~ amount, *and kind* of all of its securities outstanding at ~~any time prior to~~ the date of such application, ~~the amount thereof retired prior to said date,~~ the amount thereof then undisposed of, and whether such amount is held in the treasury of the corporation ~~as a free asset~~ *unincumbered* or pledged, and, if pledged, the terms amd conditions of such pledge;

"(c) The number, ~~and~~ amount *and kind* of securities then to be issued, and whether to be sold, pledged, or held in the treasury of the corporation ~~as a free asset~~ *unincumbered*, or otherwise disposed of or applied, as the case may be, specifying number, ~~and~~ amount *and kind* in each case; if any such securities are to be sold, the terms and conditions of sale; if any part of the consideration to be received therefor is other than money, an accurate and detailed description of such consideration; if any such securities are to be pledged, the terms and conditions of pledge; of if other disposition or application is to be made, a full and detailed explanation thereof;

"(d) The number, ~~and~~ amount *and kind* of its securities so authorized, but not then to be issued;

"(e) If the issue is of shares of stock, the number thereof, the face or par value thereof, if any, specifying whether common or preferred, and the number and kinds of then outstanding shares previously issued.

"Second. The preferences or privileges granted to the holders of any such securities; the dates of maturity, rates of interest, or fixed dividend, whether cumulative or not, and any conversion rights granted to the holders thereof, and the price, if any, at which any such securities may be retired or redeemed.

"Third. The purposes to which the proceeds of the issue are to be devoted, in such detail as the commission may require.

"Fourth. In case of proposed assumption of any obligation or liability in respect of the securities of any other person, natural or artificial, like showing shall be made as to the financial condition of said other person, as also of the objects sought and benefits to be realized by the carrier from such assumption, to be accompanied by copies of any agreements or contracts therefor.

"Every *such* application ~~for authority~~, as also every certificate of notification hereinafter provided for, shall be made out under oath, signed, and filed on behalf of the carrier by its president, a vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the carrier.

"Whenever any securities set forth and described in any *such* application ~~for authority~~ or certificate of notification as pledged or held ~~as a free asset~~ *unincumbered* in the treasury of the carrier shall, subsequent to the filing of such application or

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certificate, be sold, pledged, repledged, or otherwise disposed of by the carrier, such carrier shall, within ~~ten~~ *thirty* days after such sale, pledge, repledge, or other disposition, file a certificate of notification to that effect, setting forth therein all such facts as are required by subdivision (c) of the foregoing first paragraph, or as may be required by the commission.

"Upon *such* application, ~~to the commission for approval of proposed issues of securities~~, the commission shall cause notice *thereof* to be given to the railroad commission or public service or utilities commission, or other appropriate authority, of each State in which the applicant carrier operates~~. The railroad commission, public service or utilities commission, or other appropriate~~, *which* State ~~authority thus notified~~ *authorities* shall have the right to ~~present~~ *appear* before the commission ~~such representations as they may deem just and proper for preserving and conserving the right and interests of their people and the States, respectively, as involved in such proceeding.~~ *and be heard upon such application.* The commission may hold *such* hearings~~, if~~ *as* it ~~sees fit, to enable it to determine its decision upon the application for authority.~~ *deems advisable.*

"*The commission is hereby authorized to make and put in force all proper rules and regulations pertaining to such application and investigation, and shall likewise have power from time to time to authorize a change of the purpose for which the proceeds of such securities or obligations, or any part thereof, may be used: Provided, That such different purpose be one which might have properly been included in an original application.*

"*To enable the commission to make such investigation and findings, it is authorized to employ such experts and other assistants as may be necessary, and to appoint examiners who shall have authority to administer oaths, examine witnesses, and take testimony.*

"Nothing herein shall be construed to imply any guaranty or obligation as to such issues on the part of the United States.

"The foregoing provisions of this section ~~20a~~ shall not apply to notes to be issued by any said carrier maturing not more than two years after the date thereof and aggregating not more than five per centum at any time of the securities of said carrier then outstanding. Within ~~ten~~ *thirty* days after the ~~date~~ *issue* of such notes the carrier ~~issuing the same~~ shall file with the commission a certificate of notification *thereof*, in such form as may from time to time be determined and prescribed by the commission~~, setting forth as nearly as may be the same matters as those required in respect of applications for authority to issue other securities~~.

"The commission shall require periodical or special reports from all carriers herafter issuing any securities, including such notes, *or entering into any obligations as aforesaid*, which shall show, in such detail as the commission may require, the disposition ~~made of said securities~~ *thereof* and the application of the proceeds ~~thereof~~ *therefrom.*

"*It shall be unlawful for any common carrier railroad corporation subject to the act to regulate commerce as amended, even though permitted by the authority creating such company, to acquire by lease, purchase, or otherwise any interest in any railroad, boat line, or electric line, or any stock, or any of the securities of any corporation or association owning, controlling, or operating the same, unless the commission, upon application and hearing, shall find that the acquisition will not impair the ability of either of said carriers to perform its service to the public as a common carrier: Provided, That such finding shall not affect the legality of such acquisition under the act to protect trade and commerce against unlawful restraints and monopolies, approved July second, eighteen hundred and ninety, and the acts amendatory thereof and supplementary thereto.*

"~~All issues of securities contrary to the provisions~~ *Any violation or proposed violation* of this section may be enjoined *in a suit in equity brought by the commission in* ~~by~~ any *district* court ~~of competent jurisdiction at the suit~~ of the United States *of competent jurisdiction* ~~or of any director, officer, or stockholder of the carrier proposing to make the issue~~; and any ~~director, officer, attorney, or agent of such corporation~~ *person* who ~~assents to, or concurs in, any issue of securities, forbidden by this section 20a~~ *knowingly aids, abets, or procures any such violation*, shall *be guilty of a misdemeanor and* upon conviction be punished by a fine of not ~~less than one thousand dollars nor~~ more than ten thousand dollars, or by imprisonment for not ~~less than one year nor~~ more than three years, or by both such fine and imprisonment, in the discretion of the court.

"*The term 'common carrier railroad corporation' as used in this section shall not be construed to include street railway lines or electric interurban lines unless they form a part of a railroad system operated in part with steam.*

~~"From and after two years from the passage hereof it shall be unlawful for any person to hold the position of officer or director of more than one carrier subject to the Act to regulate commerce, as amended, unless such holding shall have been authorized by order of the commission, upon due showing, in form and manner prescribed by the~~

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~~commission, that neither public nor private interest will be adversely affected thereby. From and after the passage hereof it~~

"*Sec. 20b. That it* shall be unlawful for any officer or director of any such carrier to receive for his own benefit, directly or indirectly, any money or thing of value, in respect of the negotiation, hypothecation, or sale *by the carrier* of any securities issued or to be issued by said carrier, ~~or to share in any of the proceeds thereof,~~ or to participate in the making or paying of any dividends of an operating carrier ~~from any funds properly included in capital account, or otherwise than~~ *except* from ~~the revenues of said carrier.~~ *its profits or surplus.* Any ~~violation of these provisions~~ *person who knowingly violates any provision of this section* shall be *guilty of* a misdemeanor, and on conviction in any United States court having jurisdiction shall be punished by a fine not exceeding $10,000 or imprisonment for a term not exceeding three years, or by both such fine and imprisonment, in the discretion of the court.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 707.

PUBLIC BUILDING, DALLAS, TEX.

JULY 23, 1914.—Ordered to be printed.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5630.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 5630) for the erection of a public building at Dallas, Tex., on the site already acquired for that purpose, having considered the same, report thereon with amendments and the recommendation that the bill as so amended do pass.

The amendments proposed are:

1. Strike out all after the word "purpose," in line 5, page 1, down to and including the word "street," in line 12, page 1.
2. Strike out all after the word "courts," in line 15, page 1, down to and including the words "engineer office," in line 1, page 2.
3. Strike out the figures "$1,500,000," in line 5, page 2, and insert in lieu thereof the figures "$1,250,000."

The first section of the bill authorizes the construction at a cost of $1,250,000 on a site already acquired of a public building in the city of Dallas, Tex., for the use of the United States post office, the United States courts, and other Government offices, these latter including the local offices of the Internal-Revenue Service, the customs service, the Interior Department, the Department of Agriculture, the Department of War, the Civil Service Commission, and the Navy Department, which have requested an aggregate allotment of about 12,000 square feet of space therein. The site for the building cost $250,000 in 1913.

The present Federal building in that city, completed in 1888 and somewhat enlarged in 1908, is wholly inadequate to properly accommodate the post office and courts alone. As set out in the report of the Treasury Department, the postal receipts at the Dallas office have increased in the 10 years, 1903–1913, from $270,790.63 to $993,720.71, or nearly 270 per cent, while the population of the city is estimated to have increased from 92,104 in 1910 to 135,000 in 1914, or nearly 50 per cent in the four years.

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The second section of the bill authorizes the sale of the present Government holdings in Dallas when the new building shall have been completed. Because of the greatly enhanced value of the realty it is estimated that this sale will in all likelihood bring into the Treasury an amount at least equal to, if not in excess of, the $1,250,000, which the Treasury Department deems the proper cost of the needed new building.

As proposed to be amended by the committee, the bill reads as follows:

[S. 5630.]

A BILL For the erection of a public building at Dallas, Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on the site heretofore acquired for that purpose, a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office, the United States courts, and other Government offices in the city of Dallas and State of Texas, the cost of said building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $1,250,000.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, after completion of the new Federal building herein provided for, to sell the old post office and Government building and site thereof, situated in the city of Dallas, State of Texas, at public or private sale, after proper advertisement, at such time and on such terms as he may deem to be to the best interests of the United States, and to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 708.

TOWN SITE OF PLUMMER, IDAHO.

JULY 23, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 2692.]

The Committee on Public Lands, to which was referred the bill (S. 2692) authorizing the Secretary of the Interior to sell all unsold lots in the town site of Plummer, Kootenai County, Idaho, and for other purposes, having had the same under consideration, beg leave to report it back to the Senate with the following amendments:

On page 2, line 2, after the word "under," strike out the word "the" and insert in lieu thereof the word "his."

Page 2, lines lines 2 and 3, strike out the words "of the board of trustees of the village of Plummer, Kootenai County, Idaho."

As thus amended the committee recommend that the bill do pass.

The bill was referred to the Department of the Interior and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, March 18, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: In response to a request for report on S. 2692, a bill for the cash sale of the unsold lots in Plummer town site, Idaho, and for setting apart 25 per cent of the net proceeds thereof to be expended by the board of trustees of the village of Plummer for public improvements therein, I have the honor to submit the following report:

The town site is in the former Coeur d'Alene Indian Reservation, and was created under the act of June 21, 1906 (34 Stat., 325, 337), which authorized the Secretary of the Interior to reserve and cause to be surveyed into lots and blocks and appraised and sold such tracts for town-site purposes as in his opinion might be required in said Indian reservation, the sale to be under such regulations as he might prescribe, and the net proceeds to be deposited to the credit of the Indians.

July 18, 1910, a large number of the lots in said town site were offered at public sale, and the greater portion of those offered were sold, and the sale was then adjourned to a future date, to be thereafter fixed. The unsold lots number about 552.

Under said act of June 21, 1906, no portion of the net proceeds of the sale can be devoted to public improvements, but the same must go to the credit of the Indians.

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Under section 3 of the act of May 27, 1910 (36 Stat., 440), and under section 6 of the act of June 1, 1910 (36 Stat., 445), it is provided that not more than 20 per cent of the net proceeds of the sales of lots in town sites in the Pine Ridge, S. Dak., and Fort Berthold, N. Dak., Indian Reservations shall be set apart and expended under the direction of the Secretary of the Interior "in aiding the construction of schoolhouses or other public buildings or in improvements within the town sites in which such lots are located." A similar provision is found in the act of January 28, 1913 (37 Stat., 653), relative to the town sites of Dupree and Timber Lake, in the Cheyenne River Indian Reservation, S. Dak.

I am of the opinion that if Congress should deem it wise to appropriate any part of the net proceeds of the sales of the unsold lots in Plummer town site for public improvements, the same should be expended under the direction of the Secretary of the Interior, as was provided in the acts concerning the other town sites above mentioned.

I therefore recommend that said bill be amended by striking out of lines 2 and 3, on page 2, the words "board of trustees of the village of Plummer, Kootenai County, Idaho," and by striking out of said line 2 the word "the" where it first occurs in said line and by inserting in lieu thereof the word "his."

When so amended, I see no objection to the passage of the bill.

Respectfully,

A. A. JONES,
First Assistant Secretary.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 709.

LANDS IN THE TOWN SITE OF PORT ANGELES, WASH.

JULY 23, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5701.]

The Committee on Public Lands, having had under consideration the bill (S. 5701) providing for the disposal of certain lands in block 32 in the city of Port Angeles, State of Washington, recommend its passage with the following amendments:

In lines 1 and 2, page 2, strike out the words "three, to be selected by the Secretary of the Treasury" and insert "lots one, eight, nine, and ten,"

Also strike out the preamble that intervenes between the title and the enacting clause of the bill.

Port Angeles is a city of about 2,500 population and is located upon an original Government town site. When the town site was opened up to disposition and settlement certain blocks were reserved for public purposes, and legislation has been passed from time to time providing for the disposition of this reserved portion. In 1912 Congress enacted a law providing for the reappraisement and sale of certain reserved lands, giving a preference right to purchase to actual settlers thereon and authorizing the reservation of such tracts as might be necessary for Government purposes. Under this act there were reserved in block 32 lots 6 to 15, inclusive, as a site for a Federal building to be under the supervision or control of the Treasury Department, and lots 1, 16, and 17 in said block were reserved for the use of the Agricultural Department. These lots are 50 by 140 feet, with a 20-foot alley.

Your committee is fully satisfied that one lot will be sufficient for all the reasonable purposes of the Agricultural Department and that three lots will serve the purposes of the Treasury Department. The lots to be disposed of have been occupied and improved for many years, and, while technically the parties so occupying and improving

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them have no legal rights, your committee believe they should be treated just the same as others who went upon other lots under the same conditions, in so far as this can be done without injury to the interests of the Government. We believe that the payment by the occupants of the appraised value of these lands under the act of 1912 will amply compensate the Government. While these lots with the improvement upon them may be of more value than the appraisement, as suggested by the Secretary of Agriculture, whatever value these lots have has been given to them through the efforts of the citizens of that community and, among them, those who have occupied these lands for so many years. The letters from the Treasury, Interior, and Agricultural Departments are submitted herewith as part of this report.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, July 2, 1914.

CHAIRMAN COMMITTEE ON PUBLIC LANDS,
United States Senate.

SIR: This department is in receipt of your communication of the 16th ultimo, requesting information as to the law and the facts in relation to Senate bill 5701, providing for the disposal of certain lots in block 32, Port Angeles, Wash.

In laying out the town site of Port Angeles, Wash., said block 32, among other lots and blocks, was reserved for governmental purposes. It is understood that certain lots in said block were recently sold under the authority contained in the act of Congress approved March 16, 1912 (37 U. S. Stat., 74), providing for the reappraisement and sale of such lots in said block as are not needed for the use of the Government. Pursuant to the recommendations of this department, however, the President, by Executive Order No. 1661, dated December 12, 1912, reserved lots 6 to 15, inclusive, "for a site for a Federal building, to be under the supervision and control of the Treasury Department." The lots so reserved embrace a tract fronting 300 feet on Oak Street in said town, and extending back, of that width, between First and Second Streets, 250 feet. The lots are 50 feet by 140 feet, with a 20-foot alley running along the 50-foot dimension.

It appears that certain local parties have erected improvements on the reserved lots above referred to and claim that they have thereby acquired some interest in the land. As to this feature of the case, however, the Department of the Interior, in a letter dated May 15, 1913, addressed to Dr. F. S. Lewis, of Port Angeles, Wash., the principal spokesman for said occupants, stated:

"* * * From the creation of said town site up to the present time said lots in said block have been reserved for Government use, and therefore no rights have attached to any of said lots by reason of occupation and the placing of valuable improvements thereon * * *."

Within the last few months a very careful investigation of the suitability of these lots for Federal building purposes has been made. It appears that lots 8, 9, and 10, in said block, together fronting 150 feet on First Street by 140 feet on Oak Street, are desirably located for Federal building purposes, and that the interests of the public service require these lots to be retained by the Government for use in case Congress should at some future date authorize the erection of a public building in said town.

From data on file in the department it is believed that a tract of the area above indicated will be ample for the present and probable future needs of the service. Therefore this department will interpose no objection to the passage of legislation authorizing the reappraisement and sale of the remainder of said block 32 with the exception of the 150-foot by 140-foot tract hereinabove referred to, provided said 20-foot public alley is continued.

Respectfully, W. J. MCADOO, *Secretary.*

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DEPARTMENT OF THE INTERIOR,
Washington, June 12, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I am in receipt for report of S. 5701, a bill for the disposal of all lots except three in block 32 of Port Angeles town site, Wash., and in response thereto I have the honor to submit the following:

Said town site was created in 1863 under the act now embodied in sections 2380 and 2381, United States Revised Statutes. February 25, 1864, the local officers were directed by the General Land Office to reserve from sale entire urban block 32 in said town site. The block was designated "U. S. Reserve" on the diagram sent for use in connection with said sale. May 15, 1893, in order to specifically define the purpose for which said block was reserved, an Executive order was issued reserving it "for future needs of the customs service of the United States." January 30, 1902, with consent of the Secretary of the Treasury, this department granted permission to the Secretary of Agriculture to erect a storm-warning tower on lot 1 in said block, and reserved it for that purpose.

By act of March 16, 1912 (37 Stat., 74), a reappraisement and sale of all lots in said block and two other blocks, except such as were required for the use of the Government, were authorized. By Executive Order No. 1661, of December 12, 1912, as modified by Executive Order No. 1755, of April 21, 1913, issued on the recommendation of the Treasury and Agricultural Departments, the President, under said act, reserved for the use of the Treasury Department lots 6 to 15, inclusive, and for the use of the Agricultural Department lots 1, 16, and 17 in said block 32. Said block contains 20 lots and each lot is 50 feet wide by 140 feet in length and contains 7,000 square feet.

The only objections to the bill known to me are the needs of the Treasury and Agricultural Departments above set forth, and I therefore recommend that the bill be submitted to said departments for report.

Respectfully,

A. A. JONES,
First Assistant Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, June 22, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

DEAR SIR: I wish to acknowledge receipt of a copy of the bill (S. 5701) "providing for the disposal of certain lands in block thirty-two in the city of Port Angeles, State of Washington," with the request that this department submit a report thereon, together with such suggestions and recommendations as it may see fit to offer.

The purpose of the proposed bill is to sell three lots in block 32 of the city of Port Angeles, Wash., which have been reserved for Government uses. The lots are Nos. 1, 16, and 17 of said block. Lot 1 is now used by the Weather Bureau, and it is proposed that lots 16 and 17 will be used by the Forest Service and that the district ranger will maintain an office thereon for conducting the business of the Olympic National Forest which may come before him.

These lots were all reserved for the use of the Government at the time the town site was established, in 1864. They are located in the business section of the city of Port Angeles and, in my judgment, are needed for the uses of the Government. It is proposed that they be sold at an appraised value of $450, although I am informed they are really worth at least $1,000 each.

The solicitor of this department has recently rendered an opinion as to the legal status of these lands. I inclose a copy of his opinion for the information of your committee.

I can see no reason why the Government should sell these lots, which it really needs, and I therefore recommend that the proposed law be not enacted.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 710.

BRIDGE ACROSS THE MERRIMAC RIVER, MASS.

JULY 27, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6101.]

The Committee on Commerce, to whom was referred the bill (S. 6101) to grant the consent of Congress for the city of Lawrence, county of Essex, State of Massachusetts, to construct a bridge across the Merrimac River, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

WAR DEPARTMENT, *July 23, 1914.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 6101, Sixty-third Congress, second session, "To grant the consent of Congress for the city of Lawrence, county of Essex, State of Massachusetts, to construct a bridge across the Merrimac River," makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

HENRY BRECKINRIDGE,
Assistant Secretary of War.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 711.

WITHDRAWAL OF LANDS ON THE QUINAIELT RESERVATION FOR LIGHTHOUSE PURPOSES.

JULY 27, 1914.—Ordered to be printed.

Mr. CHAMBERLAIN, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 12463.]

The Committee on Commerce, to whom was referred the bill (H. R. 12463) to authorize the withdrawal of land on the Quinaielt Reservation, in the State of Washington, for lighthouse purposes, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of the Interior, as will appear by the following letter to the Committee on Indian Affairs of the House of Representatives and the report of that committee, which is made a part of this report:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 12463) to authorize the withdrawal of lands on the Quinaielt Indian Reservation, in the State of Washington, for lighthouse purposes, having carefully considered the same, recommends that the bill do pass.

The proposed legislation is recommended by the Interior Department for purposes set forth in the accompanying letters of the First Assistant Secretary of the Interior and the Assistant Secretary of the Department of Commerce, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1914.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs, House of Representatives.

MY DEAR MR. STEPHENS: There is transmitted herewith the draft of a bill authorizing the Secretary of the Interior to set aside not exceeding 206.75 acres at or near Cape Elizabeth, on the Quinaielt Indian Reservation, in the State of Washington, for lighthouse purposes, and making provision for reimbursing the Indians and disposing of the proceeds.

A letter dated December 15, 1913, from the Department of Commerce, copy inclosed, explains the need of the Lighthouse Service for the lands and shows that the form and provisions of the bill inclosed herewith, with the exception of section 2, which has just been added, meet with the approval of that department. Recent reports to the Indian Office show that test oil and gas wells have been sunk within one-fourth of a mile from the lighthouse lands, and the department believes that the Indians in common should receive the benefit of any discoveries of oil, gas, or minerals on the

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lands to be given over to the general jurisdiction of the Secretary of Commerce. The tracts to be set aside were reserved temporarily by this department on January 30, 1908, from disposal by allotment or otherwise, for lighthouse purposes, but legislation is necessary to give the Department of Commerce complete authority over the lands wanted, and to reimburse the Indians.

This department would be pleased to see the proposed legislation enacted into law.

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

DEPARTMENT OF COMMERCE,
Washington, December 15, 1913.

SIR: Referring to Department of the Interior letter of December 8, 1913, inclosing, for consideration and suggestion as to any changes that may be deemed advisable, the draft of a bill to authorize the withdrawal of certain tracts on the Quinaielt Indian Reservation, Wash., for lighthouse purposes at Cape Elizabeth. I have to state that the form of the bill transmitted with the letter in question is approved by this department, but it is suggested that after the word "land," line 5 of the proposed bill, the words "at or near Cape Elizabeth" be inserted, which will make the clause in question read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized to set aside not exceeding two hundred and six and seventy-five hundredths (206.75) acres of land at or near Cape Elizabeth, on the Quinaielt Indian Reservation, in the State of Washington, for lighthouse purposes."

It is further suggested that the words "for the fiscal year in which this reservation is made" be inserted in line 9 after the word "service," which will make the clause read as follows:

"That the Secretary of Commerce shall pay the Indians therefor, from the appropriation for the general expenses of the Lighthouse Service for the fiscal year in which this reservation is made, such price for the lands set aside hereunder as may be agreed upon by the Secretary of the Interior and the Secretary of Commerce."

With reference to the last paragraph of the letter from your department in question, attention is invited to the third paragraph of a letter of July 9, 1913, from this department to your department with reference to this matter, which contains the statement of the reasons as to the desirability of setting aside the land in question for lighthouse purposes, and it is suggested that this paragraph form the basis of a report to Congress as an explanation of the necessity for the proposed legislation.

The following is a copy of the paragraph in question:

"With respect to the Cape Elizabeth Reservation, I have to request that the provisional reservation of the land heretofore temporarily reserved for lighthouse purposes be continued in force until the same may be permanently reserved by Congress for lighthouse purposes and until payment to the Indians of a reasonable compensation for the lands thus to be taken. The site desired for this purpose comprises 206.75 acres, described as follows:

	Acres.
Lot 4, sec. 27, T. 22, R. 13	41.70
SE. ¼ of SE. ¼ sec. 27, T. 22, R. 13	40.00
Lot 1, sec. 34, T. 22, R. 13	40.20
Lot 2, sec. 34, T. 22, R. 13	12.25
Lot 3, sec. 34, T. 22, R. 13	32.60
NE. ¼ of NE. ¼ sec. 34, T. 22, R. 13	40.00

"From a point on the cliff about a mile to the northward of the cape proper an excellent view may be had of Destruction Island, on which there is a light, about 20 miles to the northward. In order that Destruction Island may be visible from the proper site for the lighthouse it will be necessary to clear away the timber and underbrush along the cliff for about a mile to the northward. For this reason the land in that direction should belong to the Lighthouse Service. It will be necessary to construct a road to the cape, which road should probably leave the beach at a ravine about half a mile above the mouth of the Quinaielt River. For this reason the Lighthouse Service should own lot 3 and the northwest quarter of the northeast quarter of section 34 to the northward of it. In order that the reservation may be large enough to afford a permanent supply of wood and pasturage for the keepers' cattle and horses and that the boundary lines may include a well-shaped reservation

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and provide otherwise as indicated above, the Lighthouse Service should acquire the land hereinbefore described."

This department will, at a later date, transmit a statement as to its opinion what price per acre would be a fair compensation to the Indians for the land at Cape Elizabeth, herein referred to, desired for lighthouse purposes.

The draft of the bill in question is inclosed, as requested.

Respectfully,

E. F. SWEET, *Assistant Secretary.*

The SECRETARY OF THE INTERIOR,
Washington, D. C.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 712.

CREATION OF BUREAU OF LABOR SAFETY IN DEPARTMENT OF LABOR.

JULY 27 (calendar day, AUGUST 1), 1914.—Ordered to be printed.

Mr. SHIVELY, from the Committee on Education and Labor, submitted the following

REPORT.

[To accompany H. R. 10735.]

The Committee on Education and Labor, to whom was referred the bill (H. R. 10735) to create a bureau of labor safety in the Department of Labor, having had the same under consideration, recommend that the bill do pass.

The report of the Committee on Labor of the House of Representatives upon the bill is quite exhaustive. It covers the ground so admirably that we reproduce it in the words and figures following:

The Committee on Labor, to which was referred the bill (H. R. 10735) to create a bureau of labor safety in the Department of Labor, submits the following report and recommends that the said bill do pass without amendment.

The bill is as follows:

A BILL To create a bureau of labor safety in the Department of Labor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created in the Department of Labor a bureau of labor safety. There shall be a commissioner of labor safety, who shall be the head of said bureau, to be appointed by the President, and who shall receive a salary of $5,000 per annum. There shall also be in the said bureau a chief clerk and such experts, special agents, clerks, and other employees as may be authorized from time to time by law. It shall be the province and duty of such bureau, under the direction of the Secretary of Labor, to make general and special investigation and examination of labor safety plans and devices of all kinds, and the need therefor, generally and specially, and also the study of all phases of the subject of vocational diseases; and to make public the results of such investigation, examination, and study from time to time. It shall also be the province and duty of such bureau, under the direction of the Secretary of Labor, to gather, compile, publish, and supply useful information concerning the use of labor safety plans and devices and vocational diseases in the industries of the United States and elsewhere.

SEC. 2. That there shall be erected a museum of sufficient size and capacity with grounds thereto annexed, in and upon which shall be exhibited approved devices for the safeguarding of machinery, the protection of employees from injury, the lessening of dangerous conditions which may exist in any industrial enterprise, and the methods

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of lessening, preventing, and controlling industrial diseases. All such appliances, devices, and arrangements may be exhibited at rest or in motion as may best serve the purposes of such exhibit. That in addition to the museum hereinbefore referred to and in connection therewith there shall be established a laboratory, wherein may be examined and tested the relative efficiency of types of guards or other devices for the protection of machinery calculated to safeguard the employee or the general public from injury or industrial disease.

On the 23d day of July, 1913, there was referred to the Committee on Labor the House bill 7083, introduced by Mr. Mann, of Illinois; and later, on the 17th day of October, 1913, there was also referred to the same committee H. R. 8948, introduced by Mr. Bremner, of New Jersey; both bills dealing with the subject of safety devices and proposing the establishment of a function in the Department of Labor promotive of their usage to diminish accidents. In the course of its investigation the committee was favored with the helpful counsel of the authors of both bills, and at length determined upon a composite measure comprising the principal features of each bill. The committee then instructed its chairman to reintroduce the measure as agreed upon in committee, and it is upon this bill which this favorable report is now made.

It seems unnecessary to add substantially to the views and data on the subject which have been submitted by the Secretary of Labor. One circumstance, however, may be stated briefly. Hitherto a measure such as this would have been surely amply supported by those considerations of humanity which look to saving the workers' lives or limbs. But within a very few years it is certain accident compensation laws will have been enacted by all the States entailing an economic charge of many millions of dollars annually upon the industries of the country to pay for the losses suffered by the victims of industrial accident. There will thus be supplied, if not the strongest, at least a very strong motive for the prevention of accidents by the employment of the most efficacious safety devices. And in the promotion of the general welfare it seems to be of the greatest humane and economical importance that ample and reliable information should be made accessible as to the latest and best devices for the prevention of accidents.

The report of the Secretary of Labor, which is exhaustive and highly informative, follows, together with a memorandum prepared by the Bureau of Statistics and a brief submitted by Congressman Bremner, all of which are referred to for a comparative discussion of the subject matter of the bill.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, August 28, 1913.

HON. DAVID J. LEWIS, M. C.,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I am in receipt of your communication inclosing copy of H. R. 7083, "A bill to create a bureau of labor safety," and asking for an expression of my views relative to the proposed measure. I have the honor to submit the following:

The bill (H. R. 7083) proposes to create in the Department of Labor a bureau of labor safety, with a commissioner at the head thereof, to be appointed by the President, and who shall receive a salary of $4,500 per annum. In addition to the commissioner "there shall also be in the said bureau a chief clerk and such experts, special agents, clerks, and other employees as may be authorized from time to time by law." The function of the bureau shall be "to make general and special investigation and examination of labor safety plans and devices of all kinds, and to make public the results of such investigation and examination from time to time"; also "to gather, compile, publish, and supply useful information concerning the use of labor safety plans and devices in the industries of the United States and elsewhere."

It seems to me that much useful work could be performed by a bureau such as is proposed.

The study of systems of accident compensation has for a long time been one of the lines of work carried on by the Bureau of Labor Statistics and numerous reports and bulletins have resulted. The study of accidents in various industries has for several years been carried on in a limited way, and in recent years the bureau has published several studies in this field, one in the cotton textile industry, a second in the metal trades, and a third and more elaborate study in the iron and steel industry. This latter study covered not only the collection of accident statistics and the study of causes of accidents, but also the study of methods of safeguarding and preventing the accidents. This volume should serve to indicate the usefulness of such studies,

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showing, as it does, the successful methods of safeguarding and accident prevention which are in use and which may readily be adopted in many other plants.

The following reports of the Bureau of Labor Statistics relate wholly or in part to accidents and accident prevention:

Fourth Special Report: Compulsory insurance in Germany, 1898.
Twenty-third Annual Report: Workmen's insurance and benefit funds in the United States, 1908.
Twenty-fourth Annual Report: Workmen's insurance and compensation systems in Europe, 1909.
Bulletin No. 8: Railway relief departments, 1897.
Bulletin No. 17: Brotherhood relief and insurance of railway employees, 1898.
Bulletin No. 19: Mutual relief and benefit associations of the printing trade, 1898.
Bulletin No. 22: Benefit features of American trade-unions, 1899.
Bulletin No. 31: Present status of employers' liability in the United States, 1900.
Bulletin No. 32: Accidents to labor as regulated by law in the United States, 1901.
British workmen's compensation act and its operation.
Bulletin No. 57: State cooperative accident insurance fund of Maryland, 1905.
Bulletin No. 58: New Russian workmen's compensation act, 1905.
Bulletin No. 64: Benefit features of British trade-unions, 1906.
Bulletin No. 70: British workmen's insurance acts, 1907.
Bulletin No. 74: Workmen's compensation acts of foreign countries, 1908.
Bulletin No. 78: Industrial accidents, 1908.
Bulletin No. 84: Accidents to railroad employees in New Jersey, 1888 to 1907. 1909.
The Minnesota iron ranges (includes accidents to miners).
Bulletin No. 90: Fatal accidents in coal mining, 1910.
Recent action concerning accident compensation in the United States.
Foreign workmen's compensation acts.
Cost of industrial accident insurance.
Bulletin No. 92: Industrial accidents and loss of earning power, German experience.
Workmen's compensation insurance laws and bill of 1911. 1911.
Bulletin No. 96: Workmen's insurance code of July 19, 1911, of Germany, 1911.
Bulletin No. 101: Care of tuberculous wage earners in Germany, 1912.
Bulletin No. 102: British national insurance act, 1912.
Bulletin No. 103: Sickness and accident insurance law of Switzerland, 1912.
Bulletin No. 107: Law relating to insurance of salaried employees of Germany.
Strike at Bethlehem Steel Works, South Bethlehem, Pa. (printed as S. Doc. No. 521, 61st Cong., 2d sess.), 1910.
Report on Condition of Women and Child Wage Earners in the United States (printed as S. Doc. No. 645, 61st Cong., 2d sess.), 1910–1912.
Vol. I. Cotton Textile Industry.
Vol. XI. Employment of Women in Metal Trades.
Vol. XIX. Labor Laws and Factory Conditions.
Report on Conditions of Employment in the Iron and Steel Industry in the United States (printed as S. Doc. No. 110, 62d Cong., 1st sess.), 1912.
Vol. IV. Accidents and Accident Prevention.

Numerous articles dealing with occupational diseases, some of which in European countries are classified as accidents, are not included in the above list.

The study of the subject is being continued in the iron and steel industry, and a similar study is also being made in plants engaged in machine building. In such work emphasis would naturally be placed more and more upon those safety devices and methods of safety work which are found to secure definite results in the prevention of accidents.

The work here referred to could profitably be expanded by taking up a larger number of industries, by completing and publishing the results of studies more rapidly, and by giving greater attention to the study of safety devices in detail. Great advances have been made within a very short time in the development of safety devices, both in this country and abroad, and the fullest information should be available in regard to these matters.

For many kinds of accidents devices will be found in successful use in some plants of the better class, and the experience there available will be ready at hand to show other employers and their workmen entirely practicable means of preventing many accidents and of gradually reducing the accident loss.

In the important European countries much attention has been given to accident prevention both by factory inspection departments and also by associations of employers. In museums of safety devices the causes of accidents and the methods of

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accident prevention have been studied and illustrated, and are regarded as of the greatest practical use. A partial list of the European museums for safety is given herewith. It is understood that most of these are of an official character, but precise information is not available to show just which ones are official and which, if any, are supported by other than official agencies.

Paris, France: Musee de la Prevention des Accidents du Travail et d'Hygiene Industrielle. (Museum for the Prevention of Industrial Accidents and of Industrial Hygiene.)
Amsterdam, Holland: Museum van Voorwerken Ter Voorkoming van Ongelukken en Ziekten in Fabrieken en Werkplaatsen. (Museum for the Prevention of Industrial Accidents, and Disease in Factories and Work Places.)
Munich, Bavaria: Museum fur Arbeiter-Wohlfahrtseinrichtungen. (Museum of Welfare Work for Workingmen.)
Bremen, Germany: Burgerlicher Volksverein Soziales Museum. (Social Museum of the City People's Society.)
Amsterdam, Holland: Centraal Bureau voor Sociale Adviezen. (Central Bureau for Social Advice.)
Copenhagen, Denmark: Det Sociale Sekretariat og Bibliotek. (The Social Secretariat and Library.)
Zurich, Switzerland: Polytechnic Institute. (Polytechnic Institute.)
Charlottenburg, Germany: Gewerbehygienisches Museum. (Museum of Industrial Hygiene.)
Stockholm, Sweden: Centralforbundet for Socialt Arbete. (Central Union for Social Welfare Work.)
Frankfort on the Main, Germany: Institute fu. Gewerbehygiene. (Institute of Industrial Hygiene.)

Many other countries have recognized the necessity of placing the promotion of safety and the use of safety devices under the control of some department of the Government.

Great Britain.—There appears to be no such institution provided for by English law, though the centralization of power in that country makes it possible for a central supervision to be exercised through the inspectors of factories, etc., appointed by the secretary of state, whose annual reports are laid before Parliament, and who are charged with the enforcement throughout Great Britain of the factory-inspection laws. The special power conferred upon the secretary of state in this connection appears in section 79 of the factory and workshop act of 1901, which reads as follows:

"79. Where the secretary of state is satisfied that any manufacture, machinery, plant, process, or description of manual labor, used in factories or workshops, is dangerous or injurious to health or dangerous to life and limb, either generally or in the case of women, children, or any other class of persons, he may certify that manufacture, machinery, plant, process, or description of manual labor to be dangerous, and thereupon the secretary of state may, subject to the provisions of this act, make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case."

Austria.—By decree of January 6, 1899, the Emperor has sanctioned the creation of a commission for the prevention of accidents (Unfallverhutungskommission). The regulations governing this commission were published by the minister of commerce under date of May 13, 1900 (R. G. Bl. No. 86).

This commission consists of the central industrial inspector and not more than 20 nor less than 16 members, who are appointed for three years and are selected from experts on mechanics and hygiene, representatives of the workmen's accident insurance institutions, and employers as well as employees of establishments subject to accident insurance; there are also appointed 10 substitute members, who must reside in Vienna. The commission is under the direction of the minister of commerce, who appoints its regular and substitute members, the former in conjunction with the ministers of the various departments interested in accident insurance. The ministers of commerce, public worship and instruction, interior, finance, railroads and agriculture may delegate to each meeting of the commission or one of its committee representatives who shall act in an advisory capacity. The minister of commerce is in addition authorized to call in special experts to these meetings, if he is requested to do so. The commission is authorized to form committees for the preliminary discussion of special topics. The commission convenes according to need on invitation of the minister of commerce.

The commission for the prevention of accidents is the advisory and consultory agency of the Government in all matters relating to the protection of life and health

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of workmen employed in establishments subject to accident insurance. The chief function of the commission is the rendering of opinions for the purpose of issuing general regulations or regulations for special industries relating to the safety of operation. It may also, of its own initiative, make proposals in relation to matters within its sphere of action.

Belgium.—In Belgium there is an office known as the permanent deputation of the provincial council, which has local control over private industry, while the minister of agriculture, industry, and public works exercises authority with reference to enterprises established or operated by the State. Agents appointed by the minister of the interior have a supervisory power of inspection generally. The Government has authority to prescribe safety regulations and the adoption of devices suitable to the conditions in industrial and commercial establishments.

France.—In France there is a body known as the consulting committee on arts and manufactures, which advises as to the general measures relating to the protection and health of employees either generally or with reference to certain occupations or methods of operation. Within certain spheres the committee on hygiene is called into consultation.

Germany.—The workmen's insurance code of 1911 provides for accident associations, with authority to issue the necessary regulations concerning the prevention of accidents in establishments of the members of such associations. These associations are very effective and go far in the direction of the establishment of safety museums as well as in encouraging remedial action in cases where employees have suffered from accident, providing artificial limbs, etc., and seeing that employment suitable for maimed persons is secured.

Italy.—In Italy, as in Germany, the subject of the prevention of accidents is included in the accident insurance or compensation law of that country. The law authorizes the minister of agriculture, industry, and commerce, after consultation with the appropriate technical Government council (mining, public works, railroads, etc.), to formulate regulations governing the particular industries, and requiring the adoption of suitable safety devices either generally or for special establishments. By consultation with the technical councils it is possible to secure expert advice appropriate to particular conditions.

Denmark.—The minister of interior at the instance of the council of labor has power to issue specific regulations for safety in establishments covered by the factory act. This gives large initiative power in the matter of safety provisions.

Norway.—The inspector of factories is given initiative power with reference to the provision of safety devices.

Spain.—The compensation act of Spain provides specifically for the prevention of accidents through a technical commission consisting of one architect and three engineers. This commission was directed to furnish to the minister of interior a list of apparatus and measures for the prevention of accidents, and the Government was instructed after consulting with this commission to issue regulations for the introduction of measures and for the prevention of accidents and the protection of life, safety, and the health of the employees. It was also provided that the commission should establish a museum to preserve models of safety appliances and for testing new devices.

Our form of government would not permit of the establishment of a Federal bureau having police powers to regulate the use of safety devices, except in those classes of industry which come under Federal jurisdiction, such as interstate commerce. For years Congress has exercised jurisdiction in the regulation of safety devices to be used by interstate transportation companies. The greatest value which would accrue from the establishment of a Federal bureau of safety would be that it would act as a clearing house for all of the information available in the various States and in foreign countries. Performing this function, it would be of immense value, not only to the wage workers but to the country in general. I therefore have the honor to recommend that the bill be passed.

Sincerely, yours,

H. B. WILSON, *Secretary.*

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, December 5, 1913.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

MY DEAR MR. MANN:—I am inclosing herewith the memorandum which you asked me to prepare, giving some information in regard to industrial accidents in the United

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States and foreign countries, and the means which foreign countries are using for the prevention of accidents.

I am, very truly, yours,

ROYAL MEEKER,
Commissioner of Labor Statistics.

MEMORANDUM IN REGARD TO INDUSTRIAL ACCIDENTS IN THE UNITED STATES.

In the United States statistics do not exist from which the number of industrial accidents can be accurately determined, nor from which an estimate at all satisfactory can be computed.

Save for accidents in mines and in transportation we have in the United States few records to show the extent of the hazard of industry. In these two great industries and in the small amount of imperfect data which we have of other employments, we know enough to confirm the general impression that American industry pays an awful toll in death and suffering for the accidents of employment. That a considerable percentage of these accidents are preventable has often been shown.

In 1908 Frederick L. Hoffman, the well-known statistician, showed, in Bulletin 78 of the United States Bureau of Labor Statistics, that the annual fatal accident rate of employees of coal mines in the United States for the 10-year period ending in 1906 was 3.10 per 1,000, as compared with 1.29 in Great Britain, 1.35 in Austria, 1.81 in France, and 2.13 in Prussia during the same period. A reduction of the rate in the United States from 3.10 to the level of Great Britain, 1.29, would, it was estimated, result in an annual saving of 915 lives. Since that date the situation has not changed for the better, for the American record of 1909, 1910, 1911, and 1912 showed rates of 4, 3.92, 3.73, and 3.27, while the British rate has risen slightly to 1.36 per 1,000 in the 5-year period 1908 to 1912. Approximately 2,500 lives are annually lost by accidents in the coal mines of the United States.

Even higher than the rate among the coal-mine employees is that among employees of the metal mines. Thus in the calendar year 1911 in the metal mines of the United States 695 men were killed, representing a rate of 4.19 per 1,000 men employed. The fatality rates due to accidents in metal mines in a number of foreign countries were as follows: Germany 1.39, Great Britain 1.64, Spain 2.25, France 3.16, Transvaal 4.29.

The fatal-accident rate in quarries in the United States is much lower than that in either coal or metal mines. In the calendar year 1911, 188 men were killed in quarry accidents, the death rate being 1.69 per 1,000 men employed. In Great Britain the death rate among quarry workmen was 1.08 per 1,000, in Germany in 1911, 1.48 per 1,000.

Fully as striking is the excessive fatal-accident rate among employees of American railways. Thus the American rate for the 10-year period 1897 to 1906 was 2.50 per 1,000 against a rate of 0.98 per 1,000 among employees of German railways. In 1912, 3,635 American railway employees lost their lives in the accidents of their employment, and the American fatal-accident rate was 3.02 per 1,000, while the British rate for the 5-year period 1908 to 1912 was 0.65 per 1,000, and the German rate for the 5-year period 1907 to 1911 was 1.13 per 1,000. Even these figures certainly understate the real situation among railway employees, for, according to the American practice, only accidents to persons resulting in immediate death or death within 24 hours from the time of the accident are regarded as fatally injured, while the foreign practice takes account of the outcome of the injury.

In other American industries records of industrial accidents, even approximately complete, are lacking, but it is generally accepted as true that in most industries, except where organized safety work has already been done, the accident rate is considerably in excess of accident rates in corresponding employments in European countries.

In the bulletin of the Bureau of Labor Statistics already referred to an attempt has been made to estimate the annual loss of life in American industry. Upon the basis of the census reports within the registration area of the United States it was estimated that for the entire country the actual number of fatal accidents annually was between 30,000 and 35,000, one-half of which were the immediate result of employment. The nonfatal accidents of industry are, of course, far more numerous than the fatalities and while many are not serious in permanent effect, even the minor ones impose a heavy burden of suffering, and many of the more serious ones involve permanent disability and loss of earning power, with frequently absolute dependency. Corresponding with the estimate of fatal accidents above given, it was estimated that there were annually 2,000,000 nonfatal accidents in the country.

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There may be question whether even this estimate is high enough adequately to represent the full number of accidents in the United States. If we accept such evidence as we have that the fatality rate in this country is higher than in European countries, then it must follow that any estimate of 15,000 to 17,500 fatal accidents is much too low. In Great Britain, according to the official statistics, the annual fatality rate for the five-year period 1908 to 1912 was 0.63, agreeing exactly with the rate for an earlier five-year period, 1904 to 1908. In German industries figures for the five-year period 1907 to 1911 show a rate of 0.71, and in Austria for the period 1906 to 1910 the rate was 0.63. If we may then assume as a moderate estimate of the fatality rate in this country 0.80 per 1,000, this upon the basis of 28,000,000 males 15 years of age and over occupied as wage earners, the number of deaths each year from industrial accidents appears to be 22,400. The number of nonfatal accidents is necessarily dependent upon the definition of such an accident, and the practice varies widely between the different countries. In Austria, where the available statistics of accidents are limited to those involving a disability of over three days, approximately 1 per cent of the total accidents are fatal. In Germany, because the figures for the minor accidents are less complete, the percentage of fatal accidents is higher. Without attempting to select a figure which shall express the proper relation between fatal and nonfatal accidents, it is probable that 2,000,000 is a conservative figure of the number of industrial accidents involving disability and some loss of time.

The possibility of substantial reductions in the accident rates and great saving in life and suffering by organized safety work is beyond question. In the iron and steel industry in the United States, where organized safety work has perhaps reached its best development, the Bureau of Labor Statistics found in comparing the accident records of a group of plants in which safety work had been fully developed with a group in which such work had not been done, a rate of 167.1 per 1,000 300-day workers for the former group and 507.9 for the latter group, a reduction of 67.1 per cent, or of 2 accidents out of every 3. The greatest part of this accident reduction appeared in the accidents resulting in temporary disabilities, but a reduction of 21.5 per cent in the permanent disability rate and of 30.2 per cent in the fatal accident rate indicated that the saving extended to accidents of practically every class.

There are many reasons for believing that what has been accomplished in the manufacturing plants of a single industry can be accomplished by similar methods in most other industries with a high accident rate. Such results have been brought about by careful study of the causes of accident, organization of systems of inspection, educational work, and the introduction of direct safety appliances. Even with the passage of well-considered laws calling for all reasonable safeguards, such laws can not come into general effect or produce the full measure of the results which should be expected without careful study of the conditions and causes of accident occurrence. Accurate statistics and the careful study which should accompany them can alone furnish a reasonable basis for improvement. The great possibilities of successful accident prevention have been clearly demonstrated in the experience of many industries abroad and in the case of some in this country. No more striking example of these possibilities is anywhere found than in the study of accidents and accident prevention in the iron and steel industry, published by the United States Bureau of Labor Statistics and referred to above.

In most European countries which are industrially important, industrial inspectors are charged with important duties with the view of securing the enforcement of the safety provisions of law and of advising and instructing employers in regard to the fencing and guarding of machinery and the use of safety appliances. The powers of industrial inspectors vary greatly in the different countries, but in the more important States they are called upon to give much attention to the study of accident prevention. Because they are charged with this duty, among others, thorough technical training is usually insisted upon as an essential qualification.

Museums of safety devices have been established in a number of European countries for the study and illustration of the causes of accidents and the methods of accident prevention, and are regarded as of great practical use. A partial list of the European museums of safety is given herewith. It is understood that most of these are of an official character, but precise information is not available to show just which ones are official and which, if any, are supported by other than official agencies. In addition to the museums here named, it is understood that a museum of safety appliances is to be established in London under the control of the Home Office.

Bremen, Germany: Burgerlicher Volksverein Soziales Museum. (Social Museum of the City People's Society.)
Charlottenburg: Gewerbehygienisches Museum. (Museum of Industrial Hygiene.)
Frankfort-on-the-Main, Germany: Institute für Gewerbehygiene. (Institute of Industrial Hygiene.)

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Nuremburg, Germany.
Munich, Bavaria: Museum für Arbeiter-Wohlfahrtseinrichtungen. (Museum of Welfare Work for Workingmen.)
GRAZ, AUSTRIA.
Paris, France: Musée de la prevéntion des Accidents du Travail et d'Hygiène Industrielle. (Museum for the Prevention of Industrial Accidents and of Industrial Hygiene.)
Zurich, Switzerland: Polytechnic Institute. (Polytechnic Institute.)
Amsterdam, Holland: Museum van Voorwerken Ter Voorkoming van Ongelukken en Ziekten in Fabrieken en Workplaatsen. (Museum for the Prevention of Industrial Accidents and Disease in Factories and Workplaces.)
Amsterdam, Holland: Centraal Bureau voor Sociale Adviezen. (Central Bureau for Social Advice.)
Kopenhagen, Denmark: Det Sociale Sekretariat Bibliotek. (The Social Secretariat and Library.)
Stockholm, Sweden: Centralförbundet for Socialt Arbete. (Central Union for Social Welfare Work.)
Barcelona, Spain.
Bucharest, Roumania.

Outside of the work which is done by factory inspectors there are many unofficial organizations and agencies for the study of accidents and accident prevention. An international technical congress for industrial hygiene and the prevention of industrial accidents has been organized, and the first meeting was held in Milan in May of 1912. The congress was devoted to the many technical problems involved in the introduction of safety precautions for industrial workers. It was mainly initiated by the private associations for the prevention of industrial accidents which have existed for a number of years in France, Belgium, and Italy. Many of the large manufacturing firms in these countries are members of such associations, and their factories are regularly inspected by technical inspectors qualified to advise as to the precautionary measures for health and safety. The congress was held under the auspices of the Italian Government, and a large number of official delegates attended and took part in the proceedings. The special object of the congress, as explained by its president, was to bring together in an informal manner manufacturers and representatives of accident associations, insurance companies, factory inspectors, and sanitary experts for exchange of views in a friendly way, and thus secure some agreement as to introduction of reforms valuable both to the employer and the worker without attempting burdensome or premature industrial legislation.

Some particulars in regard to the accident situation and the means employed to protect the safety and health of workers in the individual countries are given in the pages which follow.

GREAT BRITAIN.

In Great Britain the question of frequency of accidents and the best methods of prevention have been given much study, extending over a long period. In 1911 this subject was the occasion of an elaborate report of a departmental committee, submitted after an investigation and study covering a period of more than two years.

In Great Britain, as in practically all other countries, the statistical information is not available to show the total number of accidents in industry. To only a limited extent are reports required for accidents resulting in short-term disabilities. The most satisfactory figures are those which are collected under the workmen's compensation act. These reports, covering seven great groups of industries, namely, factories, mines, quarries, railways, docks, construction work, and shipping, and including, in 1912, 7,411,005 employees, 5,125,000 of whom were in factories, showed 424,406 cases of disablement and 5,046 deaths from accident. These reports, however, are far from complete for those accidents resulting in disabilities of less than two weeks. According to these figures the rate per 1,000 employees for all accidents was 57.3, and for fatal accidents 0.63, the rate for fatal accidents being the same as the average of the five-year period 1908 to 1912.

The fatal accident rates for the five-year period 1908 to 1912 for Great Britain were as follows:

Seamen	5.04
Miners	1.36
Quarrymen	1.06
Railway employees	.65
Nontextile factory employees	.22
Textile employees	.07
Average	.63

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The prevention of accidents, except in so far as the matter is dealt with by specific provision of law, is in the hands of the chief inspector of factories, under the direction of the home secretary. The factory-inspection system in Great Britain is the oldest of its kind in any country, dating back to 1833. The number of inspectors, according to the chief inspector's report for 1912, is 205, not including mine inspectors.

In certain industries the home secretary has large powers of making regulations for factories or workshops, according to the circumstances of the case. The factory and workshop act of 1901, section 79, reads as follows:

"Where the secretary of state is satisfied that any manufacture, machinery, plant, process, or description of manual labor used in factories or workshops is dangerous or injurious to health or dangerous to life and limb, either generally or in the case of women, children, or any other class of persons, he may certify that manufacture, machinery, plant, process, or description of manual labor to be dangerous; and thereupon the secretary of state may, subject to the provisions of this act, make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case."

The departmental committee, in the report on accidents above referred to, reached the conclusion that the accident risk was higher than it need be, and recommended a number of measures for improving the existing provisions for the prevention of accidents. The recommendations of the committee were that all possible steps must be taken to secure (1) that the employers shall cooperate with the inspectors, (2) that a knowledge of the risks of new machines and the best ways of fencing and guarding shall be diffused widely and quickly, and (3) that the best methods of fencing and guarding shall be enforced with speed and uniformity.

The submittee also submitted certain proposals with the view of bringing about the desired reforms. These proposals called for conferences between inspectors anp employers and employees; special reports by inspectors on industrial dangers; uniformity of requirements among inspectors; specification by the authority of dangerous parts of machines; guarding of machinery by makers; maintenance of guards; safety appliances other than fences and guards; methods of avoiding crowding of machinery; methods of remedying defective and slippery floors, stairs, etc.; proper lighting; regulation of the lifting and carrying of weights; regulation or prohibition of cleaning machinery in motion; the improvement of statistical information in regard to industrial accidents.

A number of the recommendations of this committee have already resulted in action. Among the most important of these has been the holding of conferences by the factory inspectors with the representatives of employers and workpeople for the purpose of discussing dangers and the best means of preventing accidents. In 1912 such conferences were held relating to cotton spinning, cotton weaving, worsted and woolen spinning, and to the iron-foundry industry. In each case a substantial agreement was reached upon many important details, the agreement taking the form of detailed provisions in regard to the fencing and guarding of machinery and the regulation of working conditions.

GERMANY.

The accident situation in Germany will be fairly well shown by the published accident statistics. These have been given in quite full detail in the Twenty-fourth Annual Report of the United States Commissioner of Labor, and for 1907 are summarized in Bulletin No. 92 of the United States Bureau of Labor Statistics. The total number of accidents involving disability of more than three days in 1911 among the industrial workers insured under the German workmen's insurance system was approximately 484,000, or 58.4 per 1,000 full-time workers. It is fairly certain that these figures are not complete, as under the German insurance only those accidents resulting in disability of over 13 weeks or death are fully reported and classed as accidents, the shorter accident disabilities being compensated out of sick funds and being reported and treated as cases of sickness. For the industrial accident associations the fatal accident rate in the five-year period 1907 to 1911 was 0.71 per 1,000 full-time workers.

In Germany the study of the prevention of industrial accidents has for many years been one of the chief duties of the factory-inspection department. With the adoption of the compulsory-insurance system, under which the insurance associations are organized along industrial lines, additional measures were taken to reduce the number of accidents to the smallest number. Stringent rules were drawn up, applying to both employer and workmen, penalties were prescribed, and technical supervising inspectors devoted themselves to the work of instructing and advising the employer, as well as looking out for the enforcement of the rules. As the rate of insurance premium which is assessed against each employer is in a large measure dependent

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upon conditions in his particular establishment, as shown by his accident record and the report of the insurance inspectors, there is the strongest incentive for the employer to follow every rule and to follow every suggestion of the inspector.

On January 1, 1910, the number of technically trained inspectors employed by the accident insurance associations was 359, the 66 industrial associations having 321, while the 48 agricultural associations had 38. In 1909 the number of State factory inspectors was 543 and the number of mine inspectors 111, making a total of 654 factory inspectors. The number of employees in industry and in mining is approximately 11,250,000.

Five museums of safety for the study and illustration of safety appliances and methods of accident prevention exist in Germany. These are located at Bremen, Charlottenburg near Berlin, Frankfort on the Main, Munich, and Nuremberg.

AUSTRIA.

In Austria, with over 4,000,000 persons gainfully employed, about 3,000,000 are covered by the system of workmen's insurance. The statistics of accidents are probably not complete for the nonfatal accidents, because accidents resulting in disability of four weeks or less are compensated from the sickness insurance funds and classed along with cases of sickness. The official reports show a total of 128,094 accidents in 1907, or a rate of 63.4 per 1,000 full-time workers. Of these, 1,189 were fatalities, or a rate of 0.59 per 1,000 full-time workers.

In Austria, where the accident insurance associations are organized on a territorial rather than on an industry basis, as in Germany, the work of inspection with a view to accident prevention is in the hands of the State factory inspectors. The accident insurance association may request the factory inspector to report on any factory, and as a result of the report may request the local authority to make rules.

The number of factory inspectors in Austria in 1910 was 126 and the number of mine inspectors 85. A museum of safety has been established at Graz.

By decree of January 6, 1899, the Emperor has sanctioned the creation of a commission for the prevention of accidents (Unfallverhütungskommission). The regulations governing this commission were published by the minister of commerce under date of May 13, 1900. (R. G. Bl. No. 86.)

This commission consists of the central industrial inspector and not more than 20 nor less than 16 members, who are appointed for three years and are selected from experts on mechanics and hygiene, representatives of the workmen's accident insurance institutions, and employers as well as employees of establishments subject to accident insurance; there are also appointed 10 substitute members who must reside in Vienna. The commission is under the direction of the minister of commerce, who appoints its regular and substitute members, the former in conjunction with the ministers of the various departments interested in accident insurance. The ministers of commerce, public worship and instruction, interior, finance, railroads, and agriculture may delegate to each meeting of the commission or one of its committees representatives who shall act in an advisory capacity. The minister of commerce is in addition authorized to call in special experts to these meetings, if he is requested to do so. The commission is authorized to form committees for the preliminary discussion of special topics. The commission convenes according to need on invitation of the minister of commerce.

The commission for the prevention of accidents is the advisory and consulting agency of the Government in all matters relating to the protection of life and health of workmen employed in establishments subject to accident insurance. The chief function of the commission is the rendering of opinions for the purpose of issuing general regulations or regulations for special industries relating to the safety of operation. It may also, of its own initiative, make proposals in relation to matters within its sphere of action.

FRANCE.

In France the prevention of accidents is chiefly in the hands of the factory inspectors, who enforce the law, which regulates many details of factory conditions. The law provides that factories and workshops must be kept in such a manner as to secure the safety of the workers. In every factory wheels, belts, cogwheels, and every other apparatus which may be the cause of danger must be separated from the workers in such a manner that they can not be approached except for the purposes of the work. Engines, machines, gearing, etc., must be installed and kept in the best possible condition for safety. This general provision of the law is supplemented by numerous decrees, framed in order to secure protection from some particular danger. The factory-inspection service in France was organized in 1874. In 1909 the factory inspec-

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tors numbered 139 and the mine inspectors 170. The number of persons employed in industry and in mining was approximately 7,000,000.

France also has a body known as the consulting committee on arts and manufactures, which advises regarding the general measures relating to the health and protection of employees, either generally or with reference to particular occupations or methods of operation. Within certain spheres the committee on hygiene is called in consultation.

BELGIUM.

In Belgium there is an office known as the permanent deputation of the provincial council which has local control over private industry, while the minister of agriculture, industry, and public works exercises authority with reference to enterprises established or operated by the State. Agents appointed by the minister of the interior have a supervisory power of inspection generally. The Government has authority to prescribe safety regulations and the adoption of devices suitable to the conditions in industrial and commercial establishments.

The Belgian factory inspection service was organized in 1889. In 1909 it included 45 factory inspectors and 98 inspectors of mines. The number of persons employed in industry and in mining is nearly one and one-half million.

ITALY.

In Italy no general factory legislation was passed until 1898. In that year a law was enacted providing for the compulsory insurance of workpeople and empowering the Government to issue regulations for the prevention of accidents.

The law authorizes the minister of agriculture, industry, and commerce, after consultation with the appropriate technical Government council (mining, public works, railroads, etc.), to formulate regulations governing the particular industries and requiring the adoption of suitable safety devices either generally or for special establishments. By consultation with the technical councils, it is possible to secure expert advice appropriate to particular conditions.

The inspection service, which was established in 1906, in 1909 employed 20 factory inspectors and 88 inspectors of mines. The persons employed in industry and in mining numbered approximateiy one and one-half million.

Brief Submitted by Hon. Robert G. Bremner, upon the Subject of the Establishment of a Bureau of Industrial Safety.

The United States to-day occupies a curious position among industrial nations. Ambitious to be the first in point of output, we are sociologically the last in our methods of production. From the mechanical point of view, we claim to lead; but the student of industrial economy is amazed to find that we practically ignore the modern science of conservation in its most important aspect. Trees, minerals, lands, water—these we admit (somewhat tardily) must be safeguarded from further waste. But the Government protection of these 34,000,000 men, women, and children, who constitute our industrial army, upon whose well-being rests the whole economic and social fabric of our Commonwealth—this is a phase of conservation practically ignored by our legislators and the public.

THE COST OF HUMAN WASTE.

One reason why the United States has not faced this question in the same practical spirit as other nations is the fact that we rely on immigration to make good our incredible waste of human material. Some figures, based on conservative estimates, help us to realize how serious an economic crime this policy has really proved.

It is estimated that out of 34,000,000 engaged in gainful occupations there are yearly some 38,000 deaths, 2,000,000 accidents (of which 500,000 are serious), and 3,000,000 cases of preventable industrial illness. While the killing of a man is usually only the beginning of the burden which society must assume (witness the 15,000 widows and 45,000 orphans which industry deprives annually of their natural supporters), let us rather accept the business view of the loss entailed by occupational deaths.

Death.—The average economic value of a worker in this country (based on his usual earning capacity) is conservatively calculated at $2,900. We therefore squander, every 12 months, the equivalent of $110,200,000, and in addition, burden private and public charity with the progressive financial and social consequences arising from the dependence of those left destitute or inadequately provided for.

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Accident.—Two million accidents, of which 500,000 are serious, entail an annual loss of probably $40,000,000 earnings.

Illness.—On the German basis of calculation, the 3,000,000 cases of preventable industrial illness entail a cost of some $200,000,000. Who pays?

Broadly speaking, the United States ignores an annual wastage of normal earning capacity which, from three causes alone, exceeds $350,200,000.

In reality, society and industry itself share a far greater loss between them.

But there are other factors crippling our employers of labor and from these obvious causes of waste.

Only America ignores the fact that, for the producer, a man merely negatively well is inferior to a man in perfect health. Efficiency rests on a health basis. In fact, health is the original wealth.

Lowered vitality due to insanitary factory conditions; abnormal physical or mental overstrain due to speeding; depletion of reserve force; the long list of minor ailments ("feeling poorly, but able to work") reduce the value of the majority of employees fully 100 per cent.

Undue fatigue alone, plus resulting intemperance, costs industry close upon $1,000,000,000 a year. Such is the penalty industry must bear from "lack of taking thought."

THE REMEDY, BUREAU OF SAFETY.

"Eliminate waste" is the modern watchword of productive processes. Throwing aside the arguments of humanity and justice, other countries on a business basis have inaugurated campaigns for the elimination of industrial accident, disease, and lowered efficiency by the same scientific methods which they have brought to bear upon the technique of trade. Education is the key to occupational health and usefulness; the education of the public, the employer, and the worker in sanitary and safe methods.

MUSEUMS OF SAFETY.

In matters affecting the avocations of daily life, theroetical instruction is rarely efficient. "Seeing is believing" for the rank and file. Acting on that principle Amsterdam, Barcelona, Berlin, Brussels, Budapest, Copenhagen, Dresden, Frankfort on the Main, Gratz, Helsingfors, Munich, Odessa, Paris, St. Petersburg, Stockholm, Wurtzburg, and Zurich have erected museums of safety in which are exhibited, at rest or in motion, every type of dangerous machinery and its scientific guard; systems of exhaust ventilation for the control of dangerous dusts and fumes; types of respirators, masks, goggles, and special suits for dangerous work; devices to lessen excessive glare and heat; and, in brief, safety appliances for every type of mechanical or industrial processes.

These museums, which set a standard for the safety-bureau movement of each country, are also institutes for disseminating industrial knowledge. Lectures are given, literature is printed and circulated, photographs of their contents are published, and every employer or worker of the country is free to apply to them for impartial advice or help in problems affecting accident or disease prevention.

WHY NATIONAL?

Perhaps in no country is the demand for such a national and visible indorsement of the safety movement so needed as in the United States. Practically 50 governments through State departments of labor are attempting "interference" (so regarded) in industrial processes. Practically 50 different standards may exist, be enforced, or neglected, to the disadvantage of allied trades situated in different localities, yet producing goods under nearly identical conditions. The exhaust ventilation "blower" control of one State which may carry off by its excess pull the dusty product, across the border line is allowed to accumulate without criticism. The wire-mesh guards over wheels or belts in one factory, for example, may represent an outlay of thousands of dollars spent in good faith, yet a change of political administration of a local department may change the policy which a predecessor approved and call for new installations of a different type.

To merely cover danger points is but a detail of the question of scientific safeguarding. Some of the most dangerous machines are employed on piecework. A guard which cuts the employees' earning capacity in halves will be "thrown" in every instance. The stamping-machine guard, which calls for three extra motions on a level with the worker's head, is an example of inexpert precautions which defeat their object.

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Moreover, there is a certain reverence for Federal experts, a recognition that they are somewhat removed from the field of local trade jealousies and rivalries, which is a powerful aid in obtaining recognition for the standards. They set in the protection of extra hazardous mechanisms. They do not suggest local "rake-offs" for the changes advocated in Federal reports, publications, and safety literature.

No one questions the need for small museums of safety in every large industrial center, but foreign experience proves that such branches spring from the deep roots of the national institute. The local boards of trade which will devote a room to charts, photographs, and models from the National Museum at Washington will in the future make possible a more scientific education of the employer than almost any State department of labor is qualified to give to-day.

Human conservation is an expert science, calling for the leadership of a few thoroughly trained authorities. From every viewpoint of efficiency our efforts should be concentrated on procuring, through national appropriation, what must otherwise be cramped and rendered limited by State curtailments.

Finally, the public advertisement, to use a crude phrase of a national museum. The fact that any worker or employer can appeal to it for instruction or advice, gives a guaranty of efficiency of administration and progressive methods which assures to the proposed bureau of safety, of which it is the demonstration, a timeliness otherwise prone to lapse into departmental delay. And while its primary object is to lessen human suffering its crusade for safe and sane manufacturing methods will be of inestimable practical advantage in standardizing such methods and throughout our whole industrial system.

THE LABORATORY OF HYGIENE.

Valuable as has been the work of the foreign museum of safety, the Institutes of Industrial Hygiene in Vienna, Paris, and Milan are demonstrating yet wider fields for the student of human conservation.

The subtler dangers to the worker involved in exposure to dust and fume, to overstrain, overspeeding, nerve exhaustion, occupational intemperance, and the thousand signals to insanitary conditions, are here studied and their remedies weighed and approved. Milan devotes three large four-story buildings, equipped with the latest apparatus in laboratories, hospital wards, lecture rooms, and libraries, to the elimination of those diseases peculiar to employments. Twelve scientists cooperate with the director in the investigation of trade poisonings, such as those of lead, mercury, and arsenic. The toxin of fatigue, of muscular effort, and nerve depletion are proved by experiments upon living animals. Every trade process offering risk to health is investigated with a view to scientific alterations which shall protect the worker without undue hardship to the employer.

All the information acquired by the laboratory is free to those who seek its aid. And in this case, as in that of the museum, the fact that it is national makes it a force throughout the land.

No State department is to-day fitted to carry out, although each can help to promulgate, so extensive a program. Yet no one familiar with American needs would be content to advocate less than Italy offers to her workers.

Great as was her need, ours is imperatively greater. Above all, we need the authority which invests a Government investigation of trade conditions, to free the minds of our industrial employers from the too common fear of local departments and their betrayal of secret processes and technical formulas. To a Federal investigator the average owner, who would gladly bar his door to the Department of Labor, throws open the book of his manufacturing experiences. A national clearing house for industrial welfare experiments will save years of effort and millions of dollars to those who are to-day ignorant of what has already been accomplished along those lines.

This is no untried experiment which is advocated by the Bremner bill. We shall but duplicate the experience of those countries which have already proved the value of an effort toward human conservation; an effort which is dictated both by finanial wisdom and by the dictates of humanity and justice.

The first organization of this kind was founded by a great captain of industry, Engel Dulfus, of Mulhouse, in 1867, and since that time innumerable similar societies have sprung up. There exists also museums similar to the one which is the subject of this article. Among the principal of these may be cited that at Vienna (1890), at Amsterdam (1891), at Berlin (Charlottenburg, 1903). This last one has cost about 1,000,000 marks and possesses an annual budget of 40,000 marks. The new Parisian museum was founded by the "Association des industriels de France contre les accidents du travail," established in 1883 by Emil Muller, and was organized entirely by private gifts.

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Its purpose, inspired by philanthropy, is to indicate to the present patrons the precautions to be taken, the devices and the means to employ, for protecting their workmen against risks of all sorts—unhealthful atmosphere, dangers from machines and transmission devices, harmful dusts, high electric voltages, poisoning, etc.

In the hall situated at the other end of the museum we find a great assortment of hoisting devices, hoisting blocks, movable ladders, climbing harness for linemen, safety devices for roofers, various models of elevators, and protective stair cagings.

The climbing harness of Ravasse-Luilier is intended to prevent falls of linemen, carpenters, roofers, painters, ironworkers, etc.

While the most fastidious precaution, the most vigilant attention, and the most perfect industrial hygiene all act to reduce to a minimum the number and seriousness of accidents, they can not pretend completely to suppress them, since by definition the accident is unforeseen.

Although many interesting attempts to improve conditions and to promote more cordial relations between master and man have been made with fair success, the safeguarding of life and limb has not been perfected to any appreciable extent. Ask a manufacturer if his circular saws, punches, and presses are protected by safety devices, and usually he replies, "No," or if they are, "My men won't use them."

As Dr. Josiah Strong points out, economic considerations are wholly secondary. This is, first of all, a question of conscience. Needless slaughter is criminal slaughter.

"Industrial homicide is being committed every hour of the day, and the employer who does not provide all practicable means for safeguarding life and limb is particeps criminis.

"We are told that ancient Athens was forced every nine years to pay tribute of 7 youths and 7 maidens to be devoured by the Cretan Minotaur, until Theseus slew the monster. We have here in the United States a monster named Indifference, to which we are making human sacrifice not at the rate of 14 every nine years, but at the rate of a dozen a day, besides many scores who escape with their lives but are maimed or mangled.

"The establishment of a museum of security for America would mean the saving of thousands of lives, and, through the prevention of accidents, hundreds of thousands of workmen would be saved from disability, and thus from becoming a charge on their families or dependent on the State. Such a museum would also lessen liability for damage suits growing out of accidents." (William H. Tolman, director of the American Institute of Social Service, Century Magazine, May–October, 1906.)

John B. Andrews, in the Survey, that great and good publication, last month said:

"But in the United States we need an institution that will correlate the experience of our scattered little group of hygienists and enable more medical men to direct their attention to the problems of industrial hygiene. We need for the purpose a special laboratory and hospital to accelerate progress in the study of the causes and prevention of industrial diseases. With such an institution, phosphorous poisoning would quickly disappear from our match industry as a matter of scientific sense. The long list of poisons affecting scores of different occupations would gradually be shortened. Conditions which lower vitality, lessen efficiency, and invite disease would quickly be improved, to the advantage of manufacturer and wage earner. The necessary research would be carried on by scientists of unquestioned ability and singleness of purpose, and in a manner which would enlist from all the heartiest cooperation.

"For the past two years the American Association for Labor Legislation has had an able commission of industrial hygiene, and last June called the first American Congress on Industrial Diseases. As an outgrowth of that congress a committee of experts has submitted to the President a memorial calling attention to the urgent need of a national investigation. The most valuable aid in such an inquiry would be an American clinic for the study and prevention of industrial diseases."

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 716.

LEAVE OF ABSENCE FOR HOMESTEAD ENTRYMEN IN ONE OR TWO PERIODS.

AUGUST 3, 1914.—Ordered to be printed.

Mr. HAMBERLAIN, from the Committee on Public Lands, submitted the following.

REPORT.

[To accompany H. R. 13717.]

The Committee on Public Lands, to which was referred the bill (H. R. 13717) to provide for leave of absence for homestead entrymen in one or two periods, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The above bill was favorably reported by the Committee on the Public Lands of the House (H. Rept. No. 596) in which the following language is used:

This bill does not enlarge the leave of absence granted by the present law to homestead entrymen, but permits the same to be taken either in one or two periods instead of the one period allowed under the present law. The present law, the act of June 6, 1912 (37 Stat., 123), provides:

"That upon filing in the local land office notice of the beginning of such absence the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding five months in each year after establishing residence, and upon the termination of such absence the entryman shall file a notice of such termination in the local land office * * *."

Under the above statute the homestead entryman may take his leave of absence in one continuous period of five months.

This bill permits the entryman, at his option, to take said leave of absence in one or two continuous periods not exceeding in the aggregate the five months' absence now permitted by law.

The bill also has the approval of the Department of the Interior, as shown by the following report made by the First Assistant Secretary of the department to the chairman of the Committee on the Public Lands of the House:

DEPARTMENT OF THE INTERIOR,
Washington, March 27, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: I have the honor to acknowledge receipt of your request for a report on H. R. 13717, providing that the five-month absence period allowed in each residence year by the three-year act of June 6, 1912 (37 Stat., 123), may, at an entryman's option, be divided into two periods.

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Under the five-year homestead law as it stood before the passage of that act there was no definite provision as to the number of times a homesteader might absent himself from his claim and, nevertheless, be deemed to have constructive residence during their continuance. Each case was decided on its own merits and the showing of good faith made by the claimant. The main principle adhered to was that the absences must constitute the exception and not the rule. The act of June 6, 1912, contains the apparently very liberal provision that the entryman may absent himself for as much as five months in each residence year, but that privilege is allowed by "a continuous leave of absence from the land for a period of not exceeding five months."

This limitation on the manner in which the absence might be taken was intended to prevent sporadic periods of residence scattered through each year of the entry, and, so far as it sought to attain that result, was undoubtedly a wise provision. However, it is manifest that hardships may often be entailed on entrymen by a refusal to allow them to divide the period into two parts. It is thought that the permission of such division would afford much necessary relief, and that the restriction to two absences would serve all the purposes of the present narrower limitation.

I therefore recommend that the proposed legislation be enacted into law.

Respectfully,

A. A. JONES, *First Assistant Secretary.*

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 718

UNITED STATES NAVY MAIL LINES BETWEEN UNITED STATES AND SOUTH AMERICA.

AUGUST 3, 1914.—Ordered to be printed.

Mr. THORNTON, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 5259.]

We, the undersigned members of the Senate Committee on Naval Affairs, recommend the passage without amendment of S. 5259, being a bill introduced by Senator Weeks, entitled "A bill to establish one or more United States Navy mail lines between the United States and South America," and being the bill recommended for passage by the Secretary of the Navy in response to Senate resolution 317.

B. R. TILLMAN.
CARROLL S. PAGE.
CLAUDE A. SWANSON.
GEO. C. PERKINS.
N. P. BRYAN.
MOSES E. CLAPP.
J. R. THORNTON.
MILES POINDEXTER.
CHARLES F. JOHNSON

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LETTER FROM THE SECRETARY OF THE NAVY TO THE CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS, TRANSMITTING CERTAIN INFORMATION ON SENATE RESOLUTION 317 RELATIVE TO A PLAN FOR THE ESTABLISHMENT OF A LINE OF SHIPS TO RUN BETWEEN THE CITIES OF NEW YORK AND NEW ORLEANS AND THE CITY OF VALPARAISO, CHILE, AND INTERMEDIATE PORTS, TOGETHER WITH A DRAFT OF A PROPOSED BILL TO ACCOMPLISH THE SAME.

[S. Res. 317.]

Mr. Weeks submitted the following resolution; which was referred to the Committee on Naval Affairs.

Whereas it is desirable to develop and extend commercial relations between the United States and the countries of South America by the establishment of direct lines of communication for carrying the United States mail and for the transportation of passengers and freight; and

Whereas private capital has not engaged in this service to a sufficient extent to furnish facilities comparable to those enjoyed by the people of other countries having trade relations with South America: Therefore be it

Resolved, That the Secretary of the Navy be, and he is hereby, directed to cause to be prepared, in detail, a plan for the establishment of a line of ships to run between the cities of New York and New Orleans and the city of Valparaiso, Chile, and intermediate ports, to consist of the cruisers Columbia and Minneapolis and the scout cruisers Salem, Chester, and Birmingham, and that the information requested in this resolution shall include the following:

First. The time required by these ships to make a round trip between the ports named.

Second. The number of passengers which could be carried in each ship as now equipped or with any changes that would not impair their usefulness if required in the naval service.

Third The amount of freight that each ship could carry under similar conditions; this estimate to include mail as well as freight.

Fourth. The number of naval officers and seamen required to man the ships engaged in the service which is proposed.

Fifth. The probable cost of the service, including the pay of the officers and men employed in connection with it and all other necessary elements such as wharfage in the cities where the ships would touch, fuel, repairs, and maintenance of every description.

Sixth. The cost of such necessary changes as may be required to put the ships named in condition for such service, in removing unnecessary military equipment and any other changes necessary in order to carry passengers and freight safely and to adequately perform the service proposed in this resolution.

Seventh. An expression of opinion by the department as to whether the above-named ships can be used for such purposes without impairing their usefulness for naval purposes should their prompt return to the naval service be required.

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DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, April 11, 1914.

Hon. B. R. TILLMAN,
Chairman of the Committee on Naval Affairs,
United States Senate.

MY DEAR SENATOR: 1. Referring to Senate resolution No. 317, Sixty-third Congress, second session, I have the honor to forward to your committee a report embodying the information requested.

2. It is practicable, by the use of naval vessels, to carry out the purpose indicated in the resolution, and the following vessels will be available for the service, viz, *St. Louis, Charleston, Milwaukee, Columbia, Minneapolis, Salem, Chester, Buffalo, Rainbow, Ancon, Cristobal, Hector, Mars, Vulcan, Cyclops,* and *Neptune* (or two equally good), and the *Nanshan.*

3. The *St. Louis, Charleston, Milwaukee, Columbia,* and *Minneapolis* are fast cruisers; the *Salem* and *Chester* are fast scout cruisers; the *Buffalo* and *Rainbow* are transports; the *Ancon* and *Cristobal* are steamers employed by the Panama Railroad Co. to be turned over to the Navy Department; and the others are naval colliers.

4. The cruisers are suitable for carrying only a small number of male passengers—15 to 20 each—and could not be fitted for carrying bulky freight without interfering materially with their military value; but they could carry the mails and a limited amount of express freight and parcels, about 150 tons each.

5. The *Buffalo, Rainbow, Ancon,* and *Cristobal* are suitable for carrying a limited number of passengers and any kind of freight: *Buffalo,* 20 first-class passengers and 4,000 tons of freight; *Rainbow,* 25 passengers and 2,500 to 3,000 tons of freight; *Ancon* and *Cristobal,* each 74 first-class and 32 steerage passengers and between 10,000 and 11,000 tons of freight. The naval colliers are not suitable for carrying any passengers, but are well adapted to a freight service; the first three carrying 6,500 to 10,000 tons each; the two of the *Cyclops* class 10,000 to 12,500 tons of freight and 2,900 tons of fuel oil in bulk each; and the *Nanshan* about 3,000 tons.

6. The distance from New York to Valparaiso via Panama and Callao is 4,666 miles, and each of the fast cruisers going at 15 knots could cover that distance, allowing 24 hours for delays incident to passage through the canal, in 13 days 23 hours; or make one round trip without stop, except at the canal, in 27 days 22 hours.

The distance from New Orleans to Valparaiso via Panama and Callao is 4,087 miles, and the time for the same vessels to make one round trip without stop, except at the canal, is 24 days 17 hours.

The distance from Panama to Valparaiso via Callao is 2,652 miles, and the same vessels can, at 15 knots, cover the distance in 7 days 9 hours, or make one round trip in 14 days 18 hours.

The other vessels are slower, and will sustain a speed of 12 knots, except the *Nanshan,* which can be counted on for 10 knots.

7. By the use of the *Charleston, St. Louis, Columbia,* and *Minneapolis,* a fast but very expensive mail service, with accommodations for a limited number of male passengers, could be easily maintained between Panama, Guayaquil, Mollendo, and Valparaiso, with weekly sailings from Panama. A far less expensive service could be maintained by the use of the *Salem, Chester, Columbia,* and *Minneapolis.*

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These stops would be best for quick deliveries of mails to the South American countries on the west coast, to Argentina, Bolivia, Uruguay, and Paraguay. There is a daily railway express service from Valparaiso to Buenos Aires and Montevideo via the Trans-Andean Railway. The time from Valparaiso to Buenos Aires by rail is about 60 hours, and to Montevideo 72 hours. Allowing four days for the delivery of mails from New Orleans to Panama, and 11 days for delivery from Panama to Valparaiso, the mails from the United States would reach Buenos Aires in 17½ days and Montevideo in 18 days. The time from Liverpool to Buenos Aires by mail steamers running in connection with the Royal Mail Steam Packet Co. is 22 days, and to Montevideo 21 days, on a weekly schedule. From New York to the same ports via existing lines the time is 24 and 23 days, respectively, with a weekly schedule. There is at the present time a weekly mail and passenger service between New Orleans and Colon. If it should be found desirable to run the mail steamers from New Orleans to Valparaiso, it could be done by the addition of another cruiser, but at very greatly increased cost. The cost of running each vessel is given in the table appended, marked "A."

8. A passenger and freight line can, in addition, be maintained between New Orleans and Valparaiso, and a freight line between New York and Valparaiso, making such ports as may be necessary; or a combination freight and passenger service and a freight service between New York and Valparaiso.

For a service from New Orleans, the *Buffalo*, *Rainbow*, *Ancon*, and *Cristobal* could be used, insuring a sailing every 14 days.

In addition, a freight line can be maintained between New York and Valparaiso, using the five large colliers, which would insure a sailing every 12 days.

If the vessels mentioned above for the New Orleans trade were combined with the freighters, a mixed service could be maintained, which would insure a steamer from New York every seven days.

The *Nanshan* might be useful as a freighter between Panama, Buenaventura, and Guayaquil.

9. Due to the engine room, fireroom, and bunker construction of the cruisers, a large number of men is required in the engineering department; in addition, these vessels are great coal consumers and would have to coal both on the outward and return voyages. Since continuity and regularity of mail service would be essential, it would be necessary to maintain at some point on the west coast, preferably at Callao, either ashore or afloat, a reserve of coal. This need could, however, be easily met.

10. The personnel that would be required for the ships is as follows: *Colombia*, *Minneapolis*, *Salem*, and *Chester*, 9 commissioned and 6 warrant officers and 202 men each; *Buffalo* and *Rainbow*, 9 commissioned and 6 warrant officers and 118 men each; *Ancon* and *Cristobal*, 9 commissioned and 6 warrant officers and 135 men each; *Hector*, *Mars*, and *Vulcan*, 7 commissioned and 6 warrant officers and 117 men each; *Cyclops* and *Neptune* (or two others of equal capacity), 7 commissioned and 6 warrant officers and 134 men each; and the *Nanshan*, 7 commissioned and 6 warrant officers and 69 men; a total of 114 commissioned and 84 warrant officers and 2,002 men.

11. The cost of changes necessary to fit the vessels for the proposed service would be small. For the *Rainbow*, on which it is contemplated installing five additional staterooms at a cost of $2,000,

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$3,000 would be required; and $1,000 for each of the other vessels would probably cover the cost of changes proper. In addition, each vessel carrying passengers would need an auxiliary radio installation required by law for passenger ships. This would cost $2,000 for each vessel, and the total cost for the above vessels would be about $32,000.

12. The pay and subsistence of officers and men to man the 14 ships would be about $1,862,444, and the maintenance of the ships, other than pay and subsistence, including repairs, docking, and supplies of all kinds, would approximate $1,774,250; total, $3,636,694.

13. The probable cost of the shore establishment for operating the lines is difficult to estimate at this time. This would include salaries of officers, agents, clerical force, and other personnel, terminal facilities, wharfage, port dues, rent of offices, furniture, and other expenses, and the department is making an investigation to determine this expense. It is believed, however, that it would be but a small percentage of the total cost, as Government terminal facilities will be used wherever practicable.

14. The expense of such services would, of necessity, be relatively large, due to the character of the vessels to be used and the fact that they must be kept in condition for immediate military service if required. It should be remembered, however, that there would be considerable return to the Government in mail, passenger, and freight receipts.

Retired officers or officers on the reserve list, should one be created, would be employed in the service as soon as practicable, and under such conditions the expense involved in the pay and subsistence of officers, as given in the table, should be reduced by three-fourths.

When it is considered that the men will be enlisted men in the Navy and available for service with the Navy in time of war, the actual total additional expense for personnel for 14 ships would be but $151,244.

15. Should the department be authorized to establish the service as contemplated in the resolution, it is suggested that the question of ships to be used, ports to be made, schedules, etc., be left entirely to the discretion of the department, and the department would make every effort to carry out the plan successfully. In so doing, it is considered best to inaugurate the business by establishing a fast line from Panama to Valparaiso, via Callao and Mollendo, and utilize for the purpose the *Columbia*, *Minneapolis*, *Salem*, and *Chester*. This mail and passenger line, in connection with those now in existence from New York and New Orleans to Colon, would be a rapid-transit route between the United States, Peru, Bolivia, and Chile, and thence, via the Trans-Andean Railway, to Argentina, Uruguay, and Paraguay.

It is not deemed wise to establish at the beginning a schedule that would utilize all the vessels mentioned as available. One sailing a month of freighter or passenger vessel from New York and New Orleans to Valparaiso and intermediate ports would be enough for a beginning. As business developed other vessels would be added, and sailings made more frequent, as the traffic warranted.

The *Rainbow* or *Nanshan*, or both, as the traffic might warrant, would be scheduled to ply between Panama and Guayaquil, Ecuador, via Buenaventura, Colombia. These would carry mails, passengers, and freight, and act as feeders for our freighters passing through the canal and connecting with the mail lines from New Orleans and New York.

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As for docks and terminal facilities, the navy yard at New Orleans is well adapted for the purpose, and the New York yard could be used until the traffic warranted renting another terminal. The cost of wharves in New Orleans would depend upon the freight handled, and would therefore be included in the freight rates. In South American ports practically all cargoes are handled by means of lighters, the cost of which would be included in the freight rates.

Although it might appear that the cost of maintenance of the four cruisers of the fast mail line from Panama to Valparaiso is excessive, this is not so apparent when considered in connection with the freighters. One is necessary to the other for developing the South American trade, and the average cost should be taken. The freighters would begin to pay for themselves at once by taking coal and oil, for which there is great demand, and returning with general freight.

16. The department sees in the plan an opportunity for a twofold advantage:

First. The opportunity for developing a large trade with South America, which is not practicable for private vessels under the United States flag.

Second. The gradual development of a large auxiliary fleet which would be necessary in time of war, and which would be built up and maintained in time of peace without cost to the Government, as it will pay for itself after having once been firmly established.

Should the development of the business warrant, the cruisers used in this service would be gradually replaced by auxiliary vessels vastly more suitable and economical for the service itself as well as for the use of the Navy in time of war.

17. The approximate cost of maintenance of the ships of the lines proposed, for beginning the service, is as follows:

1. Fast mail service from Panama to Valparaiso, using the *Columbia*, *Minneapolis*, *Salem*, and *Chester:*	
Pay and subsistence of officers and men.....per annum..	$597,120
Maintenance, including repairs, docking, supplies of all kinds, etc., per annum	790,800
Total	1,387,920
2. *Rainbow*, plying between Panama, Buenaventura, and Guayaquil:	
Pay and subsistence of officers and men	118,840
Maintenance, including repairs, docking, supplies of all kinds, etc..	81,300
Total	199,140
3. Monthly sailings from the terminals, New York and New Orleans, for Valparaiso and intermediate ports, would cost, on the average for each vessel engaged in the service, as follows:	
Pay and subsistence of officers and men	121,160
Maintenance, including repairs, docking, supplies of all kinds, etc..	100,500
Total	221,660

18. Any of the vessels mentioned for this service can be so employed without impairing their usefulness for naval purposes in any way, should their prompt return to the naval service be required.

19. In indorsing the establishment of this service the department takes occasion to state that the personnel of all vessels engaged in it should be naval officers and enlisted men of the Navy, and it will be necessary to increase the number of men at present allowed by law by the number of men required for this service.

20. The draft of a bill which would, in the opinion of the department, meet requirements is inclosed, marked "B."

JOSEPHUS DANIELS.

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TABLE A.

Vessel.	Complement.		Passengers, number.	Freight, tons.	Active pay of officers.	Retired officers' pay.	Difference.	Pay and subsistence (men).	Total pay and subsistence officers and men (6) and (9).	Total additional pay and subsistence (9) and (8).	Maintenance of ships, exclusive of pay and subsistence, including docking, supplies, and fuel.	Total cost of maintenance afloat (11) and (10).	Cost of changes.
	Officers.	Men.											
St. Louis [1]	Commissioned, 9; warrant, 6; 15.	335	15 to 20.	Exp. 150.	$40,960	$29,700	$11,260	$221,000	$261,960	$232,260	$226,000	$458,260	$3,000
Columbia	do	202	15 to 20.	Exp. 150.	40,960	29,700	11,260	133,320	174,280	144,580	197,750	342,330	3,000
Minneapolis	do	202	15 to 20.	Exp. 150.	40,960	29,700	11,260	133,320	174,280	144,580	197,750	342,330	3,000
Salem	do	202	15 to 20.	Exp. 150.	40,960	29,700	11,260	133,320	174,280	144,580	196,500	341,080	3,000
Chester	do	202	15 to 20.	Exp. 150.	40,960	29,700	11,260	133,320	174,280	144,580	196,500	341,080	3,000
Buffalo	do	118	20	4,000–	40,960	29,700	11,260	77,880	118,840	89,140	96,500	185,640	3,000
Rainbow	do	118	25	3,000	40,960	29,700	11,260	77,880	118,840	89,140	81,300	170,440	5,000
Ancon	do	135	(2)	10,000–11,000	40,960	29,700	11,260	89,100	130,060	100,360	113,600	213,960	1,000
Cristobal	do	135	(2)	10,000–11,000	40,960	29,700	11,260	89,100	130,060	100,360	113,600	213,960	1,000
Hector	Commissioned, 7; warrant, 6; 13.	117	None.	6,500–10,000	35,574	25,380	10,194	77,220	112,794	87,414	97,250	184,664	1,000
Mars	do	117	None.	6,500–10,000	35,574	25,380	10,194	77,220	112,794	87,414	97,250	184,664	1,000
Vulcan	do	117	None.	6,500–10,000	35,574	25,380	10,194	77,220	112,794	87,414	97,250	184,664	1,000
Cyclops	do	134	None.	10,000–12,500	35,574	25,380	10,194	88,440	124,014	98,634	120,600	218,634	1,000
Neptune	do	134	None.	10,000–12,500	35,574	25,380	10,194	88,440	124,014	98,634	120,000	218,634	1,000
Nanshan	do	89	None.	3,000	35,574	25,380	10,194	45,540	81,114	65,734	49,000	114,734	1,000

[1] Charleston and Milwaukee same as St. Louis in all respects.

[2] 74 first class; 32 steerage.

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A BILL To establish one or more United States Navy mail lines between the United States and South America.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to establish one or more United States Navy mail lines, by employing such vessels of the Navy as in his discretion are available without impairment to the paramount duties of the Navy and as are necessary and appropriate, for the purpose of establishing and maintaining regular communication between the east or west coast, or both coasts, of the United States and either or both coasts of South America. The vessels so employed shall carry United States mail, passengers, and freight under such regulations and at such rate or rates as the Secretary of the Navy may prescribe. Such civilians, such officers of the naval auxiliary service, and such officers and enlisted men of the Navy, including officers on the retired list, as the Secretary of the Navy may deem necessary shall be employed in the business of the said mail line or lines, and retired officers of the Navy so employed at sea or on shore shall, in all respects, be held and considered to be in an active duty status, and shall receive the pay and allowances of officers of the active list of the same rank and length of service: *Provided*, That officers placed on the retired list on account of wounds or disability incident to the service, or on account of age, or after thirty years' service, shall not be ordered to such duty without their consent.

The enlisted strength of the Navy, as now or hereafter authorized by law, is hereby increased by the number of men required to man the vessels so employed, and the Secretary of the Navy is hereby authorized to enlist such number of men in the Navy for such terms of enlistment, not to exceed four years, as may be desirable, and to distribute the number of men so enlisted among the various ratings of the Navy.

SEC. 2. In addition to and as a part of the line of the Navy there is hereby established an active reserve list. Line officers placed on the active reserve list under the provisions of this act shall be held to be in an active duty status in all respects, except that officers on the active reserve list shall not be advanced on the active reserve list except for eminent and conspicuous conduct in battle, or extraordinary heroism, when their advancement thereon for these causes shall be governed by the provisions of law governing the advancement of officers on the active list for like causes. All laws now in effect with reference to the retirement of officers from the active list are hereby extended to include officers on the active reserve list.

SEC. 3. Sections eight and nine of the act approved March third, eighteen hundred and ninety-nine, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," as amended by the act approved August twenty-second, nineteen hundred and twelve, entitled "An act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes," are so far amended that officers who hereafter volunteer or are selected for retirement as therein provided shall be held and considered to have volunteered for transfer to the active reserve list, or shall be selected for transfer to the active reserve list, re-

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spectively; and the transfer of such officers to the active reserve list in lieu of their retirement shall be made subject to the restrictions imposed by the provisions of the said sections as amended.

SEC. 4. In addition to such part of existing appropriations as may be available for the expenses of operating the line or lines herein provided for, the sum of $100,000 is hereby appropriated, to be paid out of any money in the Treasury of the United States not otherwise appropriated, to be expended in the discretion of the Secretary of the Navy for the purpose of organizing, inaugurating, and carrying on the traffic provided for in this act and in defraying the operating expenses incident thereto: *Provided*, That all money received for the transportation of mail, passengers, and freight, as provided in section one of this act, and for such other services as may be incident to the operation of the said line or lines, is hereby made available, in addition to the aforesaid sum of $100,000 herein appropriated, for expenses incident to the proper conduct of the business contemplated in this act: *Provided, further*, That any sum of money herein appropriated which remains unexpended at the end of the third fiscal year after the passage of this act, and at the end of each fiscal year thereafter, shall be covered into the Treasury of the United States.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 719.

ADMISSION OF FOREIGN-BUILT SHIPS TO AMERICAN REGISTRY.

AUGUST 3 (calendar day, AUGUST 4), 1914.—Ordered to be printed.

Mr. O'GORMAN, from the Committee on Interoceanic Canals, submitted the following

REPORT.

[To accompany H. R. 18202.]

The Committee on Interoceanic Canals, having had under consideration H. R. 18202, entitled "An act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes," reports said bill back to the Senate and recommends that it be adopted with the following amendments:

(1) That lines 3, 4, 5, 6, and 7 be stricken out and in lieu thereof the following be inserted:

That section five of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," is hereby amended by striking out the words "not more than five years old at the time they apply for registry."

(2) That on page 2, after line 9, a new paragraph be inserted, reading as follows:

Under like conditions the President of the United States and the Secretary of the Navy are hereby authorized to direct that the navy yards of the United States, and all of their equipment and dockage facilities, be used for the purpose of repairing and keeping in a seaworthy condition all merchant vessels now or hereafter registered under the American flag, under such conditions as in their discretion are just and equitable: *Provided*, That such additional use of said navy yards and their equipment shall not in any way interfere with the paramount purposes of the Navy of the United States.

As reported by the committee the bill will read as follows:

AN ACT To provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," is hereby amended by striking out the words "not more than five years old at the time they apply for registry."

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SEC. 2. That the President of the United States is hereby authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

Under like conditions, in like manner, and to like extent the President of the United States is also hereby authorized to suspend the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under this act.

Under like conditions, the President of the United States and the Secretary of the Navy are hereby authorized to direct that the navy yards of the United States, and all of their equipment and dockage facilities, be used for the purpose of repairing and keeping in a seaworthy condition all merchant vessels now or hereafter registered under the American flag, under such conditions as in their discretion are just and equitable: *Provided*, That such additional use of said navy yards and their equipment shall not in any way interfere with the paramount purposes of the Navy of the United States.

SEC. 3. This act shall take effect immediately.

Passed the House of Representatives August 3, 1914.

Attest:

SOUTH TRIMBLE, *Clerk*.
By D. K. HEMPSTEAD,
Enrolling Clerk.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 720.

ADJUDICATION AND PAYMENT OF CLAIMS, INDIAN DEPREDATIONS.

AUGUST 5, 1914.—Ordered to be printed.

Mr. ASHURST, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 2824.]

The Committee on Indian Affairs, to which was referred S. 2824, to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, respectfully reports the same back, with the recommendation that it do pass, with an amendment as proposed.

After the word "claimant," in line 12, page 2, insert the words "or alienage."

Your committee, in reporting favorably upon this bill, adopts the report of a former committee of the Senate upon a similar bill (S. 275, 58th Cong., 2d sess., S. Rept. 2145), wherein it was stated:

The origin of these claims for compensation for depredations committed by Indians was in the trade and intercourse act of June 30, 1834 (Rev. Stat., sec. 2156), though this act itself merely undertook to redeem a promise first made by Congress in 1796 of "eventual indemnification" for depredations committed by Indians. But neither in these acts nor in any of the subsequent statutes down to that of March 3, 1885, relating to reimbursement, and fixing the procedure by which it was to be obtained, was there any requirement that the person suffering the loss should have been a citizen of the United States, "inhabitants" as well as citizens being embraced within the benefits of the act.

Not only is this requirement of citizenship a departure from the established policy of the Government, but, in the opinion of the committee, it has resulted in much injustice to pioneers of the West who suffered losses at the hands of the Indians. Of the persons who have suffered through this discrimination in the law, many, although foreign born, lived from their early youth in the United States and died here, but were never naturalized, the greater portion of their lives having been spent in those remote regions where access to the courts was difficult and costly—where, indeed, there were in those days little thought of courts. Some others who came to this country in their infancy undertook, after they became of age, to be naturalized, but, under wrong advice, executed merely the preliminary declaration of intention instead of taking the oath of allegiance, which alone is required in such cases.

Many others were in fact naturalized, as their descendants and neighbors are convinced, and as their exercise of the right of citizenship indicates, but died without leaving any memorandum or suggestion of the place where the naturalization was had, and their descendants are therefore not able to find the records and prove the fact. Others were inhabitants, but not citizens, of the Republic of Texas, and wrongly

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assumed themselves to have become citizens of the United States through the annexation of the Republic. Others, living in the original Territory of Nebraska, have relied on an incorrect but not entirely unreasonable construction of the act admitting that State into the Union, and have never, according to the definitions established by the courts, perfected their citizenship. A number of others, foreign born, served as soldiers in the United States Army or Navy in one or more wars, and have supposed that the oath they took on their enlistment made them citizens of the United States; but although, as a rule, they are drawing pensions from the Government, they are not, in a strict legal sense, citizens of the United States, and can recover nothing under the act of 1891.

Most of the men thus excluded from the benefits of the law have, without challenge or question, exercised all the rights of citizenship. Many have held important State and county offices and have been leaders in all public movements in their respective sections. One was actually a Delegate in Congress from the Territory of his residence.

In response to a letter by the former chairman of this committee, Senator William J. Stone, the Attorney General, through Huston Thompson, Assistant Attorney General, on March 26, 1914, stated with reference to the present bill as follows:

As to the attitude taken with respect to bills similar to Senate bill 2824, by the Assistant Attorneys General formerly in charge of this work, I can only say they have neither advocated nor opposed the passage of such bill, but have contented themselves with presenting the facts to Congress. All laws on this subject, commencing with the act of May 19, 1796, prior to the act of March 3, 1891, provided for the recovery by citizens and inhabitants; therefore, bills proposing to remove this jurisdictional requirement do not contemplate new legislation, but merely restore a right that had previously existed.

HUSTON THOMPSON,
Assistant Attorney General.

The bill provides for the reinstatement of such cases as may have been dismissed by the Court of Claims upon the jurisdictional ground of noncitizenship. Regarding the matter of reinstatement, Attorney General Knox, in the Fifty-sixth Congress, reported to a committee of the Senate as follows:

The effect of passing a bill without provision for the reinstatement of cases which have been heretofore decided adversely to claimants on jurisdictional grounds would be to banish those claimants who have been diligent in producing proof and pressing their claims to a hearing. (S. Doc. No. 404, 53d Cong., 1st sess., p. 3.)

As to the amount involved in this amendment the Attorney General in the communication of March 26, 1914, stated that the probable increased liability, if this amendment be adopted, would be about $300,000.

Reporting upon this question, Mr. Stephens, of the House Committee on Indian Affairs, at the present session of Congress, stated as follows:

From all of the evidence that has been adduced before your committee in several hearings involving the amendments being reported upon, it is the judgment of the committee that if the amendments are passed it will involve an increased liability on the part of the United States and defendant Indians in an amount approximating $250,000.

If the law is amended as requested, it will merely restore the original promise of indemnification to inhabitants as well as citizens, who have filed their claims in the Court of Claims, and whose claims have been dismissed by reason of their failure to establish their citizenship. Reviewing all former legislation on the subject, your committee is in accord with the report of the Senate committee heretofore reporting in the Fifty-eighth Congress.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 727.

BRIDGE ACROSS MISSISSIPPI RIVER AT MUSCATINE, IOWA.

AUGUST 6, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6134.]

The Committee on Commerce, to whom was referred the bill (S. 6134) granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the War Department, as will appear by the following letter, which is made a part of this report:

WAR DEPARTMENT,
Washington, July 28, 1914.

1. Respectfully returned to the chairman Committee on Commerce, United States Senate.

2. The Chief of Engineers reports that Senate bill 6134, Sixty-third Congress, second session, granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River, at a point suitable to the interests of navigation, at or near Muscatine, in the county of Muscatine, in the State of Iowa, makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress, so far as those interests are concerned.

LINDLEY M. GARRISON,
Secretary of War.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 728.

TERMS OF DISTRICT COURT AT JONESBORO, ARK.

AUGUST 6, 1914.—Ordered to be printed.

Mr. CULBERSON, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 2167.]

The Committee on the Judiciary, who have had under consideration the bill (H. R. 2167) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, beg leave to report the same to the Senate with amendments, with the recommendation that as so amended it do pass.

The amendments are as follows:

Strike out all after the enacting clause and in lieu thereof insert:

That hereafter the terms of the United States District Court for the Jonesboro Division of the Eastern District of Arkansas shall be held at Jonesboro on the first Monday in May and the fourth Monday in November.

Amend the title by inserting in lieu of the present title the following:

A bill to fix the time for holding the term of the District Court in the Jonesboro Division of the Eastern District of Arkansas.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 729.

CONSTRUCTION OF BUILDINGS ALONG ALLEYWAYS IN THE DISTRICT OF COLUMBIA.

AUGUST 6, 1914.—Ordered to be printed.

Mr. POMERENE, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany bill S. 1624.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1624) to regulate the construction of buildings along alleyways in the District of Columbia, and for other purposes, having considered the same, report thereon with a recommendation that it pass with an amendment as follows:

After line 8, page 3, insert the following:

The use or occupation of any building or other structure erected or placed on or along any such alley as a dwelling or residence or place of abode by any person or persons is hereby declared injurious to life, to public health, morals, safety, and welfare of said District; and such use or occupation of any such building or other structure on, from, and after the first day of July, nineteen hundred and eighteen, shall be unlawful.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 731.

TO EXTEND THE PROVISIONS OF THE ENLARGED-HOMESTEAD ACT TO THE STATE OF KANSAS.

AUGUST 7, 1914.—Ordered to be printed.

Mr. THOMPSON, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 5734.]

The Committee on Public Lands, to which was referred the bill (S. 5734) to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 732.

SECOND HOMESTEAD AND DESERT-LAND ENTRIES.

AUGUST 8, 1914.—Ordered to be printed.

Mr. SMOOT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 1657.]

The Committee on Public Lands, to which was referred the bill (H. R. 1657) providing for second homestead and desert-land entries, having had the same under consideration, beg leave to report it back to the Senate with the following amendments:

Page 1, line 5, after the word "entry," insert the words "or entries."

Page 1, line 10, after the word "entry," insert the words "or entries."

Page 2, line 3, after the word "entries," strike out the comma and insert a period, and also strike out the following: "and that he has not relinquished his former entry or entries for a valuable consideration in excess of his filing fees."

As thus amended the committee recommend that the bill do pass.

The legislation provided for in this bill is identical with that contemplated in S. 2068, which passed the Senate February 12, 1914.

The Department of the Interior approves of this measure, as evidenced by letters from the department to the Committees on Public Lands of both the House and Senate, and which are found in House Report No. 766 of June 4, 1914, reference to which is hereby made.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 733.

PUBLIC BUILDING AT CLAREMONT, N. H.

AUGUST 8, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 1693.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1693) to provide for the purchase of a site and the erection of a public building thereon at Claremont, in the State of New Hampshire, report it favorably with the recommendation that it pass after being amended as follows:

In line 12, page 1, strike out the numerals "$75,000" and insert in lieu thereof the numerals "$100,000."

Claremont is a thriving and rapidly growing town in New Hampshire. The population of the town according to the census of 1910 was 7,529, but it is now estimated that at least 9,000 persons are served from that post office. The postal receipts, exclusive of money order and postal savings, for the fiscal year 1913 were $21,489.09, as against $11,889.61 ten years ago. The present quarters are utterly inadequate, and the need of a Federal building is very urgent. The bill having been referred to the Treasury Department for consideration, the report from the department estimates that it would take $100,000 to purchase the land and construct the building. In view of that fact the amendment increasing the appropriation from $75,000 to $100,000 is recommended by your committee.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 734.

BOARD OF MANAGERS, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

AUGUST 8, 1914.—Ordered to be printed.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. J. Res. 241.]

The Committee on Military Affairs, to whom was referred the resolution (H. J. Res. 241) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, report the same back to the Senate with the recommendation that on lines 3 and 4, page 1, the following be stricken out: "George H. Wood, of Ohio," and in lieu thereof there be inserted "John C. Nelson, of Indiana." As thus amended the committee recommend that the bill do pass.

The members of the Board of Managers of the National Home for Disabled Volunteer Soldiers are appointed under section 4826 of the Revised Statutes, which reads as follows:

SEC. 4826. Nine managers of the National Home for Disabled Volunteers shall be elected from time to time, as vacancies occur, by joint resolution of Congress. They shall all be citizens of the United States, and all residents of States which furnished organized bodies of soldiers to aid in suppressing the rebellion commenced in eighteen hundred and sixty-one; and no two of them shall be residents of the same State, and no person who gave aid or countenance to the rebellion shall ever be eligible. The term of office of these managers shall be for six years, and until a successor is elected.

The number of managers was increased to 10 by the act of March 2, 1887 (24 Stat. L., 444), and to 11 by the act of March 3, 1891 (26 Stat. L., 1117). Under the provisions of the sundry civil act approved June 23, 1913, vacancies occurring in the board after such date shall not be filled until the whole number of members of such board is reduced to five. The provision is as follows:

Hereafter vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five.

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Section 4827 of the Revised Statutes provides that seven of the board, of whom the president or one of the vice presidents shall be one, shall form a quorum for the transaction of business at any meeting of the board. Section 4828 provides that no member of the Board of Managers of the National Home shall receive any compensation as such member, but the traveling and other actual expenses of a member incurred while upon the business of the home may be paid, and any member of the board having other duties connected with the home may receive a reasonable compensation therefor, to be determined by the board.

The President of the United States, the Chief Justice, and the Secretary of War are members ex officio of the board of managers.

The members appointed under the resolution are to fill the vacancies caused by the expiration of the terms of Franklin Murphy, William Warner, and Oscar M. Gottschall, whose terms expired April 21, 1912, and P. H. Barry, who resigned February 28, 1913. There are now only two members of the board holding office under proper appointment, James W. Wadsworth and Henry H. Markham, whose terms will not expire until April 21, 1916. The terms of four other members of the board expired April 21, 1914, and one death in the membership has recently occurred.

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63D CONGRESS, 2d Session. } SENATE. { REPORT. No. 736.

ASSAY OFFICE, NEW YORK CITY.

AUGUST 11, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 3342.]

The Committee on Public Buildings and Grounds, to which was referred Senate bill No. 3342, having carefully considered the same, report the bill back with the recommendation that it do pass.

The acts of Congress of March 4, 1911, and August 26, 1912, authorized an expenditure of $607,408 for the enlargement of the assay office in New York City. Having thoroughly examined into the matter, those charged with the responsibility of doing this work realized that it would be better and cheaper to demolish the existing building and erect a new one, which could be done for the amount authorized in these previous bills. The purpose of this bill is to give this authority to the Secretary of the Treasury. The committee is satisfied that the best interests of the Government would be subserved by the enlargement of this authority and the erection of the new building as suggested. A letter from the Secretary of the Treasury of date of March 6, 1914, and also of July 29, 1914, are herewith filed and made a part of this report.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 6, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: In compliance with your request of December 19, I have the honor to submit herewith a report on Senate bill 3342 (H. R. 13296), which provides for the enlargement, etc., of the Wall Street front of the assay office in the city of New York.

The above legislation is very desirable for the following reasons:

Under existing legislation the present assay office building is required to be remodeled, whereas this building is of such a character that its complete demolition will result when the necessary new foundations, vaults, and superstructure are completed.

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The necessity for the employment of specially skilled services in addition to those which are ordinarily available will arise, owing to the complicated nature of the foundations, protection of the adjacent enormously valuable properties, and the unusual structural features which are not in the ordinary line of building construction experience.

It is also submitted that the present assay office is the oldest building on Wall Street, is of much historical and architectural interest, and is said to be one of the best examples of architecture of its period in New York City, and in order that the present façade may be preserved, through private or public enterprise, opportunity should be given to dispose of the same for such purpose, provided there be no additional expense to the Government.

Respectfully,

W. G. McAdoo, *Secretary.*

Treasury Department,
Office of the Secretary,
Washington, July 29, 1914.

Hon. Claude A. Swanson,
Chairman Committee on Public Buildings, United States Senate.

My Dear Senator: The present demand upon the Treasury for gold at New York again shows clearly the need for the new assay office building with the vault space which has been planned therein. A bill providing for this structure passed both Houses of Congress two years ago and was signed by the President, but owing to some defect in the language used it was found necessary to pass another bill, and this measure I understand to be now pending before your committee. The appropriation carried by this bill is of precisely the same amount as that carried by the bill which became a law, and there is no radical change in the measure. The bill should be passed as soon as possible in order that work upon the building may begin. I beg to call your attention to the matter and trust that you may be able to secure action at an early date. It is urgent.

Respectfully,

W. G. McAdoo, *Secretary.*

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 737.

POST-OFFICE SITE, ROCKINGHAM, N. C.

AUGUST 11, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5113.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 5113) to increase the limit of cost for a site for a post-office building in the city of Rockingham, N. C., having had the same under consideration, beg to report the same favorably with the recommendation that it do pass. As a part of this report they incorporate a letter from the Secretary of the Treasury, which is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 21, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: In compliance with your request of the 15th instant for a report on Senate bill 5113 (H. R. 14746), which provides for increase of cost of a site for a post-office building in the city of Rockingham, N. C., I have the honor to submit the following:

The act of March 4, 1913, limits the cost of a site to $5,000.

The report of the site agent who investigated the matter indicates that the present limit is insufficient for the acquisition of a suitably located site of adequate size, and that an increase of $5,000 will be sufficient to acquire one that will be satisfactory.

Respectfully,

W. G. MCADOO, *Secretary.*

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 738.

POST OFFICE, SHELBYVILLE, TENN.

AUGUST 11, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany H. R. 13415.]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13415) to increase the limit of cost of public building at Shelbyville, Tenn., find that pursuant to an appropriation made in 1908 a site was acquired and the erection of a building authorized. Bids were asked for and submitted, but none were within the limit of cost as provided for in the appropriation. The appropriation of $5,000 asked for in this bill will so increase the limit of cost as to permit the erection of the building, and the committee reports the bill favorably with the recommendation that it do pass. As a part of this report the committee incorporates the report of the Committee on Public Buildings and Grounds of the House of Representatives, which is as follows:

[House Report No. 365, Sixty-third Congress, second session.]

The Committee on Public Buildings and Grounds has had under consideration H. R. 13415, to increase the limit of cost of a public building in Shelbyville, Tenn., and we find that an appropriation was made for the purchase of a site for this building in 1908, and that thereafter the same was purchased and in 1910 the building was authorized, and a proposition was submitted for bids to construct the building. None of the offers were within the amount authorized for the construction of this building.

The following letter from the Assistant Secretary of the Treasury to Representative Houston, the author of the bill, shows the status of this project:

TREASURY DEPARTMENT,
Washington, February 26, 1914.

Hon. W. C. HOUSTON,
House of Representatives, Washington, D. C.

MY DEAR SIR: Referring to your personal call at this department, relative to the post-office building at Shelbyville, Tenn., I have the honor to advise you as follows:

The building as designed is one story and basement with a mezzanine on both ends; ground area 3,630 square feet; stone faced to the course above the water table; brick facing above; stone columns, architrave and trim; fireproof construction, except roof.

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On August 28, 1913, four proposals were received for the construction of the building, ranging from $52,805 to $55,393. After setting aside an amount for lock boxes, lamp standards, vault shelvings, etc., a contract could not be awarded in excess of approximately $50,000. An effort was made to obtain supplementary bids to bring the price within the amount available, but without success.

Attention is called to the fact that the ground area of the building is about as small as it can be made to accommodate the public service. The building is of simple design and it is practically impossible to further reduce the cost and still provide a building which is suitable in its details and in keeping with the importance of the community in which it is to be placed.

To construct the building as originally designed would require an extension in the limit of cost of at least $5,000, the amount stated in department letter to you of February 13.

Very truly, yours,

BYRON P. NEWTON,
Assistant Secretary.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 742.

TRANSPORTATION WITHOUT APPRAISEMENT OF IMPORTED MERCHANDISE AT PEMBINA, N. DAK.

AUGUST 11 (calendar day, AUGUST 14), 1914.—Ordered to be printed.

Mr. SIMMONS, from the Committee on Finance, submitted the following

REPORT.

[To accompany S. 5449.]

The Committee on Finance, to whom was referred the bill (S. 5449) to make Pembina, N. Dak., a port through which merchandise may be imported for transportation without appraisement, having considered the same, report thereon with a recommendation that it do pass.

A letter from the Secretary of the Treasury is appended hereto and made a part hereof.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 8, 1914.

Hon. JAMES P. CLARKE,
Chairman Committee on Commerce, United States Senate.

SIR: I have the honor to refer further to a letter received from the clerk of your committee under date of the 4th ultimo, transmitting S. 5449, to extend to Pembina, N. Dak., the privileges of the first section of the act of June 10, 1880, governing the immediate transportation without appraisement of imported merchandise, and to state that the matter has been investigated by the department.

From the report received in the matter it is concluded that a commercial necessity exists for the extension to Pembina of the privileges of the first section of the act above mentioned, and I therefore recommend that the bill be enacted into law.

Respectfully,

W. G. MCADOO, *Secretary.*

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 743.

CONSTRUCTION AND MAINTENANCE OF RURAL POST ROADS.

AUGUST 11 (calendar day, AUGUST 14), 1914.—Ordered to be printed.

Mr. BRYAN, from the Committee on Post Offices and Post Roads, submitted the following

REPORT.

[To accompany H. R. 11686.]

The Committee on Post Offices and Post Roads, to whom was referred the bill (H. R. 11686) to provide that the United States shall, in certain cases, aid the States and the civil subdivisions thereof in the construction and maintenance of rural post roads, having considered the same, reports thereon with the recommendation that it do pass with an amendment.

The committee recommend striking out the entire House bill and substituting a new bill. The plan proposed by the House bill and the plan proposed by the committee are essentially different.

The House bill provides for an annual appropriation of $25,000,000, of which each State is to receive $65,000 and also its proportion of the remainder, based upon its ratio of population and rural post road mileage to the total population and total post road mileage in the United States. These appropriations are to be made upon one or both of the following plans, in the discretion of the governor of each State:

1. The Secretary of Agriculture and the State officials are to determine the roads to be constructed and maintained, as well as the material, character, and manner of construction and maintenance.

2. Post roads already established are divided into three classes, namely:

Class A, being constructed of macadam or other material of equal utility.

Class B, being constructed of shell, gravel, or a combination of sand and clay.

Class C, roads so built as to shed water and maintained so as to be reasonably passable for wheeled vehicles.

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Roads of each of these classes shall have a smooth surface and be drained. Class A roads are to receive $60 per annum, class B roads $30 per annum, and class C roads $15 per annum.

The substitute reported by the committee leaves the selection and construction of the roads to the States, and simply lends to the States for construction purposes the superior credit of the Federal Government. There is also provided a maintenance fund, to be one-half of the amount spent each year by each State for the purpose of keeping the roads in condition after they are built.

It is thought advisable to take the substitute up section by section and state the substance of each section.

Section 1 creates a United States highway fund.

Section 2 provides the means of raising the highway fund. It authorizes the Secretary of the Treasury to sell bonds, payable 50 years from date of issue, at 3 per cent, the amount of the bonds not to exceed $500,000,000 and to be nontaxable. The bonds are to be sold at public subscription, individual subscriptions to be first accepted, any portion of the issue not subscribed to be disposed of by the Secretary of the Treasury at not less than par.

Section 3 requires each State to establish a highway commission, which shall have general supervision over road construction and improvement and the expenditure of the United States highway fund.

Section 4 apportions the highway fund to the several States by ascertaining the land area, population according to the last Federal census, assessed valuation of all taxable property, and total mileage of public roads, and by striking an average of these four elements, which average shall be the percentage of the highway fund to which each State will be entitled. Area is made an element because of the greater necessity for roads; population because whatever contribution is made is a tax on the people; assessed valuation because the taxable property of the State must bear a large proportion of the expenditure for maintenance of roads; mileage of roads because in this way the necessity is shown, and because, also, of the money that will be required to keep the roads in condition.

Section 5 allows each State to receive 20 per cent of its proportion of the highway fund each year by depositing with the Treasurer the State's 4 per cent 50-year bonds. No State can secure bonds if it is already bonded for as much as 10 per cent of the assessed valuation of all taxable property therein. There is also a provision that any State may deposit 4 per cent bonds, maturing in not less than 20 years, or may redeem its 50-year bonds after 20 years upon payment of the balance due on the principal together with accrued interest. This provision is incorporated in order to allow those States whose constitutions may require the issuance of bonds maturing in 20 years to take advantage of the provisions of the act. The Treasurer is required to devote three-fourths of the interest payments to the payment of interest on the United States bonds, the balance is deposited in a sinking fund and is to be compounded annually at the rate of 3 per cent. The State bonds are to be canceled at maturity without payment of the principal. This plan enables the States to enjoy the superior credit of the Federal Government. The Federal Government is perfectly safe in assuming the responsibility, because the State bonds it has authorized constitute the very best of security.

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The sinking fund compounded at the rate of 3 per cent each year will be sufficient to retire the Federal bonds within 50 years, therefore it is provided that the bonds shall be stamped "canceled" and returned to the States at the end of this period.

The committee are indebted to former Senator Jonathan Bourne, jr., for this suggestion.

The States will not be called upon to pay any higher rate of interest than they would probably have to pay in order to secure funds for road construction and maintenance, but there is this vast difference between the usual State bond issue and the issue here provided for; the States will be entirely relieved of the payment of the principal. In 50 years the States which issue bonds will pay 200 per cent of the principal. But they may receive back for maintenance, during the same period, 125 per cent of the principal. Therefore in 50 years the total payments will equal a net outlay by the States of 75 per cent of the principal of the bonds. Two objections have been made to this feature of the bill. In the first place it is said that the bonds will not find a market. It must be remembered that the bonds are nontaxable and, therefore, would at least be equivalent to a 4 per cent taxable bond, because the lowest rate of taxation in the income tax law is 1 per cent. There is over seventeen billion of deposits in the banks of the United States. The average rate of interest to depositors is not as great as 4 per cent. The bond issue of 1898 was oversubscribed seven and a half times at a premium, and the largest single allotment was less than $4,000. The method of sale of the bonds provided by section 2 is the same. More than one-half of the total coin and other money in the United States is not in the banks but in the tills and pockets of the people. What better investment could they find than a 50-year, 3 per cent, nontaxable Government bond?

The other objection is that some of the States can not issue bonds for road construction because of constitutional inhibition. The States whose constitutions it would be necessary to amend are said to be: Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Utah, Virginia, West Virginia, and Wisconsin.

It is confidently believed that these States would amend their constitutions so as to take advantage of this opportunity, and for that reason no bonds are to be issued until July 1, 1918. By that time all the States that desire to do so can qualify to receive the benefits of this act; but if any State does not avail itself of the provisions of this act, it is not in any way injured if all the other States do. Why, therefore, should such a State complain, if the other States are only spending their own money?

Section 6. After the bonds are issued each State would be entitled to receive one-half of the amount spent by it for the upkeep and maintenance of roads already built, provided the amount does not exceed 2½ per cent of the amount of the bond issue. In order that no inequality or detriment shall be visited upon States failing to issue bonds, the maintenance fund is provided for all States alike, but based upon the amount to which each State would be entitled if all had issued bonds.

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Section 7 creates the United States highway commission. It is made up of the chairman and ranking minority member of the Senate and House Committees on Post Offices and Post Roads, the Director of the Office of Public Roads, and an Army engineer. The purpose was to make it nonpartisan. There is no party question to be dealt with in the establishment of the plan provided for in the bill, and therefore there is no reason why party lines should be drawn. The board will be of great benefit in supervising the work, and also in determining that the maintenance fund has been efficiently and honestly spent. Further than this, in our judgment, the Federal Government ought not to go.

The State highway commission of each State is much better able to determine the location of roads within its own particular State than any Federal agency can possibly be. We claim for this bill the merit of enabling each State to lay out a permanent system of roads and to carry out their plans effectively and economically. It needs no argument to demonstrate that much better work can be done, and that more cheaply, if the work is continuous. Much money is lost if work is begun and then discontinued to be taken up later. The same idea has been recognized in our river and harbor improvements. Again, whatever action the Federal Government is going to take in this work ought to be determined and fixed. This ought not to be a question for legislation every session of Congress. Unless some plan is agreed upon and carried out a large proportion of congressional appropriations for the construction of roads will be wasted. This bill is built upon the plan of helping those States which help themselves. One of the most valuable provisions of the bill is section 6, which assists in the maintenance of roads. Maintenance is as essential as construction.

The amount each State would be entitled to issue bonds for and receive is approximately as follows:

State.	Land area in square miles.	Population, 1910.	Assessed valuation, fiscal year 1912.	Total mileage of roads.	Apportionment to each State.	
					Per cent.	Amount.
Alabama	51,279	2,138,093	$484,851,212.00	49,639	1.72	$8,600,000
Arizona	113,840	204,354	140,338,191.00	5,987	1.13	5,650,000
Arkansas	52,525	1,574,449	[1] 425,478,614.00	36,445	1.44	7,200,000
California	156,092	2,377,549	2,919,342,889.00	48,069	3.59	17,950,000
Colorado	103,658	799,024	430,000,000.00	29,693	1.59	7,950,000
Connecticut	4,820	1,114,756	[1] 1,041,334,019.00	12,583	.87	4,350,000
Delaware	1,965	202,322	92,575,760.00	3,000	.14	700,000
Florida	54,861	752,619	218,887,518.00	17,579	.95	4,750,000
Georgia	58,725	2,609,121	842,000,000.00	82,230	2.45	12,250,000
Idaho	83,779	325,594	418,780,394.00	18,403	1.16	5,800,000
Illinois	56,002	5,638,591	2,343,673,232.00	94,141	3.94	19,700,000
Indiana	35,885	2,700,876	1,891,602,077.00	67,996	2.51	12,550,000
Iowa	55,586	2,224,771	713,318,825.00	102,427	2.50	12,500,000
Kansas	81,774	1,690,949	2,746,900,291.00	98,302	3.28	16,400,000
Kentucky	40,181	2,289,905	1,089,265,143.00	53,744	1.98	9,900,000
Louisiana	45,409	1,656,388	546,650,157.00	24,962	1.32	6,600,000
Maine	29,895	742,371	478,192,054.00	25,528	.92	4,600,000
Maryland	9,941	1,295,346	979,309,970.00	16,773	.99	4,950,000
Massachusetts	8,039	3,366,416	4,249,699,855.00	17,272	2.73	13,650,000
Michigan	57,480	2,810,173	[1] 2,288,000,000.00	68,906	2.88	14,400,000
Minnesota	80,858	2,075,708	1,212,567,794.00	79,323	2.59	12,950,000
Mississippi	46,362	1,797,114	[1] 399,029,000.00	39,619	1.48	7,400,000
Missouri	68,727	3,293,335	1,736,371,588.00	107,923	3.35	16,750,000
Montana	145,776	376,053	346,550,585.00	23,319	1.72	8,600,000
Nebraska	76,808	1,192,214	463,371,889.00	80,338	2.05	10,250,000

[1] 1911.

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State.	Land area in square miles.	Population, 1910.	Assessed valuation, fiscal year 1912.	Total mileage of roads.	Apportionment to each State.	
					Per cent.	Amount.
Nevada	109,821	81,875	[1] $85,347,058.44	12,751	1.12	$5,600,000
New Hampshire	9,031	430,572	397,647,530.00	15,116	.51	2,550,000
New Jersey	7,514	2,537,167	2,289,770,280.78	14,842	1.77	8,850,000
New Mexico	122,503	327,301	[2] 72,000,000.00	16,920	1.35	6,750,000
New York	47,654	9,113,614	11,022,985,914.00	79,279	7.86	39,300,000
North Carolina	48,740	2,206,287	[1] 494,708,570.00	48,285	1.74	8,700,000
North Dakota	70,183	577,056	294,770,325.00	61,593	1.56	7,800,000
Ohio	40,740	4,767,121	6,400,000,000.00	88,861	5.02	25,100,000
Oklahoma	69,414	1,657,155	1,326,840,833.00	71,325	2.33	11,650,000
Oregon	95,607	970,765	[3] 905,011,679.00	29,475	1.66	8,300,000
Pennsylvania	44,832	7,665,111	5,917,119,205.25	87,387	5.65	28,250,000
Rhode Island	1,067	542,610	552,991,854.00	2,121	.39	1,950,000
South Carolina	30,495	1,515,400	291,531,003.00	32,075	1.15	5,750,000
South Dakota	76,868	583,888	354,278,413.00	56,354	1.58	7,900,000
Tennessee	41,687	2,184,789	625,010,886.00	45,913	1.70	8,500,000
Texas	262,398	3,896,542	2,515,594,636.00	128,971	5.66	28,300,000
Utah	82,184	373,351	200,299,207.00	8,320	.96	4,800,000
Vermont	9,124	355,956	221,447,887.00	14,406	.42	2,100,000
Virginia	40,262	2,061,612	907,273,651.00	43,399	1.73	8,650,000
Washington	66,836	1,141,990	1,005,086,251.00	34,284	1.64	8,200,000
West Virginia	24,022	1,221,119	1,119,828,173.00	32,109	1.32	6,600,000
Wisconsin	55,256	2,333,860	2,077,925,166.00	61,090	2.56	12,800,000
Wyoming	97,594	145,965	182,028,280.00	10,569	1.05	5,200,000
Total and average	2,974,099	91,972,266	67,763,587,864.45	2,199,646	.....	500,000,000

[1] 1911. [2] Rough estimate. [3] 1910.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 745.

TONOPAH POST OFFICE.

AUGUST 11 (calendar day, AUGUST 14), 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 4256.]

The committee, after due consideration of S. 4256, hereby submits same with the recommendation that it do pass.

The records of the Post Office Department show that for the fiscal year ending June 30, 1914, the gross receipts at the Tonopah post office were $20,303.13 and the gross postal savings-bank deposits amounted to $129,433.

The Tonopah office is situated in a small room, which is totally inadequate for the needs of the service. The rental for this room is $1,500 per annum, and an allowance of $300 per annum is made for lighting the office.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 746.

BRIDGE ACROSS EASTERN BRANCH OF ELIZABETH RIVER, VA.

AUGUST 11 (calendar day, AUGUST 15), 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6227.]

The Committee on Commerce, to whom was referred the bill (S. 6227) granting the consent of Congress to the Norfolk-Berkley Bridge Corporation, of Virginia, to construct a bridge across the Eastern Branch of the Elizabeth River in Virginia, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

WAR DEPARTMENT, *August 11, 1914.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 6227, Sixty-third Congress, second session, granting the consent of Congress to the Norfolk-Berkley Bridge Corporation, of Virginia, to construct a bridge across the Eastern Branch of the Elizabeth River in Virginia, makes ample provision for the protection of the interests committed to the War Department. He states, however, that the necessity for the passage of the bill is not apparent, for the reason that the waterway lies wholly within the limits of the State of Virginia, and under the general law contained in section 9 of the river and harbor act of March 3, 1899, a bridge may be built thereover under authority of the laws of the State, provided the plans be submitted to and approved by the Chief of Engineers and the Secretary of War before construction is commenced.

So far as the interests committed to this department are concerned, I know of no objection to the favorable consideration of the bill by Congress, if in the wisdom of that body the enactment of the proposed legislation is desired.

LINDLEY M. GARRISON,
Secretary of War.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 747.

ENLARGED HOMESTEADS.

AUGUST 11 (calendar day, AUGUST 17), 1914.—Ordered to be printed.

Mr. CHAMBERLAIN, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 12919.]

The Committee on Public Lands, to which was referred the bill (H. R. 12919) to amend an act entitled "An act to provide for an enlarged homestead," having had the same under consideration, beg leave to report it back to the Senate with the following amendments:

Page 4, after line 12, add section 5 to the bill, as follows:

SEC. 5. That the provisions of the said act of February nineteenth, nineteen hundred and nine, and all acts amendatory thereof, and also the provisions of this act, shall extend to and include the States of South Dakota and Nevada.

Amend the title of the bill by adding thereto the words "and for other purposes."

As thus amended the committee recommend that the bill do pass.

This legislation has the approval of the Department of the Interior, as evidenced by the following letter from the First Assistant Secretary of the department, addressed to the chairman of the Committee on the Public Lands of the House of Representatives, and found in House Report No. 605 of this session:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 11, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your request for report upon H. R. 12919, a bill designed to amend sections 3 and 4 of the acts of Congress approved February 19, 1909, and June 17, 1910 (35 Stat., 639, and 36 Stat., 531), amended by the act of February 11, 1913 (37 Stat., 666).

The laws now existent preclude the allowance of additional entries under the enlarged homestead acts where final proof has been theretofore submitted on the originals. The department believes that this should be changed, as proposed in H. R. 12919. If the lands involved have been designated as of the character contemplated by the acts, no good reason appears for denying the right of additional entry where acceptable final proof has theretofore been submitted on the original, and allowing

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the right to the entryman who has not submitted proof. It often happens that entrymen are, by reason of statutory requirements, compelled to submit final proof on their original entries within a fixed period, which expires before the adjoining tracts desired by them have become subject to entry under the enlarged homestead act. Sometimes delays are occasioned by the fact that the lands which would become subject to additional entry have not been surveyed or are required to be resurveyed, because of pending adverse claims for the lands, which the applicant is seeking to remove by contest, or because the lands have not yet been designated, though claimant may have filed petition for this action.

I am of opinion that H. R. 12919 proposes a desirable amendment to existing laws and that it should be enacted. The word "heretofore" in line 21, page 3, should be stricken out and the word "theretofore" substituted, as the intent is to allow additional entries in cases where the entryman has submitted final proof prior to his application to make additional entry, and is not designed to be confined to cases where the proof shall have been made prior to the enactment of the bill. With this amendment, I recommend the enactment of H. R. 12919.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 748.

FORT HAYS MILITARY RESERVATION.

AUGUST 11 (calendar day, August 18), 1914.—Ordered to be printed.

Mr. THOMPSON, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 14155.]

The Committee on Public Lands, to which was referred the bill (H. R. 14155) to amend an act of Congress approved March 28, 1900 (Stat. L., p. 52), entitled "An act granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas State Agricultural College and a western branch of the State Normal School thereon and for a public park," having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Page 1, line 4, within the parentheses and preceding the word "Statutes," insert the words "volume thirty-one."

Amend the title by inserting the words "volume thirty-one" within the parentheses and preceding the word "Statutes."

As thus amended the committee recommend that the bill do pass.

The committee further reports that said bill has but one purpose, and that is to give to the State of Kansas the option under the law of maintaining an independent State agricultural college and an independent State normal school on this land instead of, as is now provided, a branch of the State Agricultural College and State Normal School.

This bill is identical with S. 4690 of this Congress, upon which the Department of the Interior made the following favorable report to the chairman of the Committee on Public Lands of the Senate:

DEPARTMENT OF THE INTERIOR,
Washington, April 18, 1914.

Hon. H. L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I have the honor to acknowledge receipt by the reference of the clerk of your committee, for report, of a copy of S. 4690, entitled "A bill to amend an act of Congress approved March twenty-eighth, nineteen hundred (Statutes at Large, page fifty-two), entitled 'An act granting to the State of Kansas the abandoned

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Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas State Agricultural College, and a western branch of the State Normal School thereon, and for a public park.'"

The bill proposes to amend the act of March 28, 1900 (31 Stat., 52), by changing the conditions upon which the grant was made, so that the State is required to establish and maintain perpetually on the land, first, an experiment station of the Kansas Agricultural College or a State agricultural college and experimental station; and, second, a western branch of the Kansas State Normal School, or a State normal school. In other words, the purposes of the grant are satisfied by the proposed legislation if the State maintains a State agricultural college and experimental station and a State normal school on the land.

The present bill appears to be in harmony with the purposes of the legislation already enacted and, therefore, I have no objection to urge to the passage of the bill.

I recommend, however, that the title to the bill be amended by inserting before the word "Statutes," in line 2 thereof, the words "volume thirty-one."

Respectfully,

A. A. JONES,
First Assistant Secretary.

Further reasons for the enactment of the above legislation will be found in House Report No. 762, of June 4, 1914, reference to which is hereby made.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 749.

REVENUES FOR THE TERRITORY OF ALASKA.

AUGUST 19, 1914.—Ordered to be printed.

Mr. PITTMAN, from the Committee on Territories, submitted the following

REPORT.

[To accompany H. R. 11740.]

Your committee, having had under consideration the bill (H. R. 11740) to cure defects in and to validate chapters 52 and 54 of the acts of the Legislature of the Territory of Alaska, approved by the governor of the Territory of Alaska May 1, 1913, and for other purposes, reports the same with the recommendation that it do pass.

The bill is simply intended to remedy an unfortunate condition which has apparently arisen from a conflict between the laws of Congress and the laws of the Legislature of the District of Alaska. The matter was thoroughly considered by the Committee on the Territories of the House, which has reported unanimously in favor of it. The governor of Alaska stated to the Committee on the Territories of the House that there is urgent need for the passage of such bill, and that if he does not receive relief from Congress it will be necessary to call an extra session of the Territorial legislature, at great expense.

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time when the classification and appraisement was made, and as the act of April 23, 1904, required that the appraisers classify as timberlands all lands which were more valuable for their timber than for any other purpose; lands which were undoubtedly of agricultural value after the timber was removed were classified as timberlands.

Because of an increased demand for agricultural lands since the time of the appraisal the present agricultural value of some of these lands is doubtless greater than the value of the timber upon the same. Upon certain of these lands settlers have squatted. Some of these settlers allege that they have acted in good faith, urge that an error has been made in the classification of the lands, and request that a reclassification be made of lands containing relatively small amounts of timber and having agricultural value. There is no specific legislative authority for a reclassification of any of the lands returned by the appraisement commission as timberlands.

It is undoubtedly true that the annual value of the agricultural crops which may be produced upon some of the lands classified as timber lands will in the near future greatly exceed the annual increase in value of the timber standing upon the same. The immediate disposal of such lands would provide a direct revenue for irrigation and other purposes and would contribute to the general welfare of the Indians through the development of the Flathead country. Under the present law all the timber upon any tract must be sold and removed before the land can be sold. Attempts by the department to make rather large sales have not been successful, and as there appears to be no market at present for small isolated tracts of timber it is practically impossible to open timberlands to beneficial agricultural use, as was evidently contemplated by the amendment to the act of April 23, 1904, supra, as contained in the act of March 3, 1909 (35 Stat. L., 781, 796).

The department believes that the most practicable solution of this matter will be the enactment of legislation which will authorize the homesteading of timberlands of agricultural value upon condition that the homesteader pay, at the time of his original entry, the full appraised value of the timber upon the land entered. The draft of proposed legislation which is transmitted herewith modifies section 11 of the act of April 23, 1904, supra, as amended by the act of March 3, 1909, supra, by the addition of the words:

"*Provided further*, That lands valuable for agricultural or horticultural purposes, heretofore classified as timberlands, may, in the discretion of the Secretary of the Interior, be appraised under regulations prescribed by him and be opened to homestead entry under the general provisions of section nine, upon condition that homestead entrymen shall at time of making their original homestead entries pay the full value of the timber on the land entered, as fixed by the appraisement commission, such payment to be in addition to the appraised price of the lands apart from the timber as herein authorized."

The enactment of such legislation would enable the department to open to agricultural entry timberlands having agricultural value whenever it appears that the best interests of the Indians would be served by such action.

The department would be pleased to see legislation of this character enacted.

Respectfully,

WALTER L. FISHER, *Secretary*.

The bill was favorably reported by the committee to the Senate of the Sixty-second Congress, but for lack of opportunity and owing to the crowded condition of the calendar failed to reach a vote on its passage.

It was again introduced in the Senate of the Sixty-third Congress and referred to the Committee on Indian Affairs. In accordance with custom it was by that committee referred to the Interior Department for its opinion and recommendation and, as before, the Interior Department indorsed it and recommended its passage, as is shown by a letter, below set forth, from the First Assistant Secretary of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: I have the honor to refer to the letter of February 10, 1914, requesting a report on Senate bill 647.

This bill is the same as legislation which was suggested by the department in letters of April 26, 1912, to the chairmen of the Committees on Indian Affairs in the United

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States Senate and in the House of Representatives. The legislation then suggested was introduced as Senate bill 6624 and as House bill 23881, Sixty-second Congress, second session.

In letters of July 29, 1912, to the chairman of the committees in both the Senate and the House the department urged the passage of this legislation, and the matter was again presented to both committees by departmental letters of January 27, 1913.

The department would be pleased to see this legislation enacted.

Very truly, yours,

A. A. JONES, *First Assistant Secretary.*

The timber on the Flathead Reservation belongs to the Flathead Indians, and they are entitled to the proceeds of the sales thereof. Provision is made by existing law for selling the timber where it stands in considerable quantities, or good sized tracts, at public auction to the highest bidder. The reservation is not, however, throughout its entire area a heavily timbered country. There are many isolated and straggling, small tracts of timber consisting of only a few trees or a few clumps of trees at long distances from other timber. The land was classified by law and order of the Department of the Interior, and many tracts of land containing small bunches of standing timber were classified as timberland. These tracts can not be homesteaded because not classified as agricultural land. On the other hand, the timber on them can not be sold because not in sufficient quantities to attract buyers. Timber dealers, lumbermen, sawmill operators, and other timber buyers will not bid on small isolated tracts of timber, and there is no sale for such. Therefore, this timber is doing nobody any good—neither whites nor Indians—and the land is standing idle and doing nobody any good. Under the present state of the law these isolated small pieces of timber will never be utilized, and nobody will get any good of them. This bill authorizes the Secretary of the Interior, in his discretion, upon application to permit such tracts of land, where valuable for agriculture as well as timber, to be reclassified as agricultural land and to be homesteaded, and permits the homesteader, in the discretion of the Interior Department, to be allowed to purchase the standing timber on his homestead tract at the appraised valuation thereof, and in addition to paying for the land to pay the appraised value of the standing timber thereon at the time of making his homestead entry or prior to making final proof, as the Secretary of the Interior may direct. All such tracts of timber have been appraised. Thus these tracts of land will be utilized and the timber realized on, which has not and could not be done heretofore. White settlers will get the benefit of the land and the Indians will get the benefit of the payments for both land and timber.

The committee recommends that the bill be amended by inserting after the word "entries" and before the word "pay" in line 22 of page 2 of the printed bill these words: "or before final proof thereon, at the discretion of the Secretary of the Interior," and as so amended the committee recommends that the bill be passed.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 752.

ISSUANCE OF HOMESTEAD PATENT FOR THE BENEFIT OF DESERTED WIVES.

AUGUST 19, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 16296.]

The Committee on the Public Lands, to which was referred the bill (H. R. 16296) to provide for issuing of patents for public lands claimed under the homestead laws by deserted wives, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The committee is of the opinion that the general relief proposed by this bill should be granted, and that the provisions of the bill will bring about the proper and necessary means of adjusting the unwarranted conditions now existing, and therefore do unanimously recommend the enactment of the bill.

The bill bears the favorable indorsement of the Interior Department, as evidenced by a letter from the First Assistant Secretary thereof, addressed to the chairman of the Public Lands Committee of the House, and found in House Report No. 743, June 2, 1914, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 20, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

SIR: I have the honor to acknowledge receipt of your request for a report on H. R. 16296, to provide for the issuance of patents to the deserted wives of homestead settlers for the lands claimed by their husbands.

There is at present no statute governing the rights of the wife of a homesteader who has deserted her and abandoned the land. The practice has been to allow her the option to submit proof on the entry as his agent, patent issuing in his name, or to initiate a contest against his entry and, after cancellation thereof, make entry in her own name, having credit for past residence and cultivation.

This method of procedure is rather cumbersome and expensive, the women being obliged to again pay the Government filing fees, and the services of an attorney being generally necessary. The payment of the filing fees might be eliminated by a simple provision to that effect, or by one to amend the husband's entry, so as to stand in the

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wife's name. However, it seems more essential to do away with the necessity of a formal contest, and this appears to be the main object of the present bill.

The situation of a faithful wife, deserted on a homestead claim where she has endured the hardships of a pioneer life, is one which calls for all practicable relief, and I am heartily in favor of any measure which would afford this, so far as title to the homestead is concerned, in as prompt and inexpensive a manner as possible. However, great precautions must be used not to provide for such a decisive step as transferring the husband's home to the wife without requiring that he have full opportunity to be heard. Otherwise, the proceeding might well be open to the charge of taking property without due process of law.

Under the proposed bill the published and posted notice of intention to submit proof must recite that it is to be offered and patent sought by the applicant as a deserted wife, and a copy of the notice must be mailed to the husband's last-known address. This does not appear to fully cover the subject, since there will be many cases where personal service of notice on the husband will be feasible, and no justification for constructive notice will exist. It is suggested that there should be a general provision for notice to the husband under such rules as to the method of service as the department may prescribe.

I therefore recommend that, prior to favorable action on the bill, it be amended by striking out all after the word "wife," in line 12, page 2, and adding in lieu thereof, "and, prior to its submission, notice thereof shall be served upon the husband of the applicant in such manner and under such rules and regulations as the Secretary of the Interior shall prescribe."

Respectfully,

A. A. JONES, *First Assistant Secretary.*

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 753

DISPOSAL OF LANDS IN MONTANA.

AUGUST 19, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6202.]

The Committee on Public Lands, to which was referred the bill (S. 6202) to repeal an act entitled "An act to amend section three of the act of Congress of May first, eighteen hundred and eighty-eight, and extend the provisions of section twenty-three hundred and one of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes," having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The bill was referred to the Department of the Interior and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, August 19, 1914.

Hon. H. L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your request for a report on S. 6202 to repeal the act of March 3, 1911 (36 Stat., 1080), which amended the act of May 1, 1888 (25 Stat., 113, 133), opening to disposal the lands in Montana which were added to the reservation of the Gros Ventre, Piegan, Blood, Blackfoot, and River Crow Indians by Executive order of April 13, 1875, as modified by Executive order of July 13, 1880, under the homestead, town-site, coal-land, desert-land, and mineral-land laws, but which declared that such lands were not subject to entry under any other laws regulating the sale or disposal of the public lands. This department held in the case of Bradley *v.* Northern Pacific Railway Co. (36 L. D., 7), adhered to on review (37 L. D., 410), said company having during the year 1909 filed a number of applications to select these lands under the act of July 2, 1864 (13 Stat., 365), and the joint resolution of May 31, 1870 (16 Stat., 378), that they were not subject to such selection. A part of these lands having been patented to the company, suit was brought in June, 1910, by the United States to set aside the patent, and pending the determination of said suit action on the company's applications to select was, by department direction, suspended.

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During the pendency of said suit Congress passed the act of March 3, 1911 (supra), declaring the lands to be a part of the public domain and open to the operation of laws regulating the entry, sale, and disposal of the same and providing that no patent should be denied to entries theretofore made in good faith under any of said laws if such entry were in other respects regular and the laws relating thereto had been complied with. The effect of this act was to open the lands to all forms of entry under the laws providing for the disposal of the public lands.

After the passage of the act of March 3, 1911, the case of the United States against the company having been submitted on an agreed statement of facts, the court held that the railway selections were validated by the act, and that it was unnecessary to decide whether the selections were valid when made. The Attorney General, on April 19, 1912, advised this office that no appeal would be taken, and the decision became final. The only lands involved in the suit were patented lands. Thereafter this department, in the case of Eastman *v.* Northern Pacific Railway Co. (42 L. D., 209) affirmed a decision of the General Land Office holding that the unapproved selections of the railway company were not validated by the act of March 3, 1911, in the presence of an adverse claim, but that the Land Department might recognize such selections in the absence of an intervening adverse claim.

I am advised by the Commissioner of the General Land Office that following said decision the lists which had been filed by the company prior to March 3, 1911, were returned to the local land officers with instructions to require the company to file new lists of the lands shown by their records to be free from adverse claims upon the receipt of the lists in their office, and separate lists of the lands for which adverse claims had been asserted. The numbers of the lists, the dates of their return to, and the dates of their receipt by the local officers are as follows:

No. of list.	Date returned.	Date received by register and receiver.
4-04811	Oct. 3, 1913	Oct. 8, 1913.
5-04812	do	Oct. 7, 1913.
6-04813	Sept. 6, 1913	Sept. 20, 1913.
7-04814	Oct. 4, 1913	Oct. 9, 1913.
8-04815	Sept. 30, 1913	Oct. 8, 1913.
9-04816	Oct. 3, 1913	Oct. 10, 1913.
15-05573	Jan. 5, 1914	

The lands covered by these lists aggregate more than 150,000 acres, none of which have been patented, and there are in conflict therewith adverse settlement claims to the number of 200, covering approximately 30,000 acres.

I am further advised by the Commissioner of the General Land Office that an examination of the lands in the odd-numbered sections within the limits of the grant to the Northern Pacific Railway Co. discloses that there are apparently vacant therein 360 acres only, and it is probable these are covered by settlement claims. It should be noted, however, that of the ceded reservation lands restored to the public domain by the act of May 1, 1888, but a small part is within the limits of the railroad land grant, and that the repeal of the act of March 3, 1911, would prevent the commutation of homestead entries for these ceded reservation lands, if, indeed, such repeal would not leave those lands not subject to entry under any law. See section 12 of the Revised Statutes.

The policy proposed in the pending bill is a matter peculiarly within the discretion of Congress, and this department has no objection to urge to the passage of the bill.

Very truly, yours,

A. A. JONES, *First Assistant Secretary.*

The bill provides for the repeal of an act approved March 3, 1911, amending section 3 of an act passed in the year 1888, opening the Gros Ventre Reservation in the State of Montana. Under the act last above referred to the lands were subject to homestead, town-site, coal-land, desert-land, and mineral-land entry, and to no other. By the act of March 3, 1911, the lands were made subject to disposal under any of the laws of the United States touching the disposition of the public lands. It appears (a fact of which neither branch of Congress apparently had any information when the act of March 3, 1911,

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was passed) that the lands lie within the second indemnity limits of the grant to the Northern Pacific Railroad Co. Under that act the railroad company has already selected upward of 150,000 acres of these lands, contrary to the policy to which Congress gave its adherence more than a quarter of a century ago.

Your committee has no information as to whether there are any more lands within the former Indian reservation available for selection by the railroad company at the present time, but the act sought to be repealed, having been passed, as it is believed, without any thought on the part of Congress that they would thereby be extending the grant to the railroad company, the immediate repeal of the same is urgently recommended.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 754.

FEDERAL BUILDING AT POCATELLO, IDAHO.

AUGUST 19, 1914.—Ordered to be printed.

Mr. BRADY, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 4920.]

The Committee on Public Buildings and Grounds, to which was referred Senate bill 4920, providing an increase of $25,000 in the cost of construction of the Federal building at Pocatello, Idaho, after having considered the same carefully, submits the following report thereon and recommends that the same do pass:

The Sixty-second Congress made an appropriation of $100,000 for the erection of a public building in Pocatello, Idaho, and the purpose of this bill is to increase that sum to $125,000, in order that the proposed building shall be adequate for the present needs of the city, the Postal Service, and the district court.

Pocatello is situated in the southeastern part of the State of Idaho and is the commercial hub of the whole State. It is in the center of a rich agricultural section of the State, and not far distant in the northern part lies an undeveloped coal bed, which has been attracting the attention not only of the citizens of Idaho but of the entire West. The citizens of the southeastern part of the State of Idaho depend for the greater part on Pocatello for their agricultural and mining supplies, and practically their entire banking business is carried on in that city. The Oregon Short Line Railway Co. has recently seen the advantage of moving a portion of their general offices from Salt Lake City, Utah, to this very promising and growing city.

In connection with the Postal Service, this building will be used by the Federal court, which meets in Pocatello. The building is three stories high with a basement and a ground area of approximately 4,500 square feet, and to successfully complete a building such as would be needed by these two branches of the Government, the additional appropriation of $25,000 asked for in the bill is needed at this time.

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The population of Pocatello, as shown by the 1910 census was 9,110, and it is conservative to say at the present time that the population is at least 12,000, and the city growing very rapidly. The postal receipts for the last fiscal year were $30,467.46. The census reports show an increase from 4,046 in 1900, to 9,110 in 1910. The increase in postal receipts for the past 10 years is from $10,000 in 1900, to more than $30,000 in 1910.

The present plans and specifications call for the erection of this building with stone facing to the height of the water table, about 4 feet above the first-floor level, and above this point the facing is brick with sandstone trimmings and a terra-cotta belt course and main cornice.

Should the increase herein asked for be authorized, it is estimated that sufficient funds would be available for the facing of the entire building with stone and the placing within the building an elevator service without further increase in the limited cost.

This bill has been considered by Secretary McAdoo, of the Treasury Department, and favorably reported upon. His report follows:

I have the honor to submit for your consideration the following report on S. 4920, which provides for an increase of $25,000 in the cost of the construction of the Federal building at Pocatello, Idaho.

The contract for this building under the present limit of $100,000 has been awarded and the work of construction begun. The design calls for stone facing to the height of the water table (about 4 feet above the first-floor level), and above this point the facing is brick with sandstone trimmings and a terra-cotta belt course and main cornice.

In view of the relative importance in the State of Idaho of the city of Pocatello, the growth in population as shown by the census reports which indicate an increase from 4,046 in 1900 to 9,100 in 1910, with an estimated population at the present time of 12,000, and also the increase in the postal receipts from about $10,000 to more than $30,000 in the past 10 years, it is the opinion of this department, after a careful investigation of the matter, that the proposed increase in limit carried by the bill is justified. Should an increase in that amount be authorized it is estimated that sufficient funds would then be available for facing the entire building with stone, and an effort would also be made by the department to install an elevator in the building without a further increase in the limit of cost.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 755.

FORT BRIDGER MILITARY RESERVATION.

AUGUST 19, 1914.—Ordered to be printed.

Mr. CLARK of Wyoming, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 92.]

The Committee on Public Lands, to which was referred the bill (H. R. 92) to extend the general land laws to the former Fort Bridger Military Reservation, in Wyoming, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

This bill has the indorsement of the Department of the Interior, as evidenced by a letter from the First Assistant Secretary thereof, addressed to the chairman of the Committee on the Public Lands of the House of Representatives, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 27, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

DEAR SIR: I have the honor to acknowledge the receipt, by your reference of June 27, 1913, of a copy of H. R. 92, a bill to extend the general land laws to the former Fort Bridger Military Reservation in Wyoming. The bill is similar to H. R. 19073, Sixty-second Congress, on which a report was made by this department on March 22, 1912. The reservation in question was formerly called Camp Scott, and was established by Executive order of May 21, 1858. The name was changed to Fort Bridger on July 14, 1859. The reservation originally embraced 317,390.85 acres, but was relocated by authority of the act of February 24, 1871 (16 Stat., 430), to comprise only 10,941.06 acres. By the act of July 10, 1890 (26 Stat., 227), the part not included in such relocated reservation embracing 306,449.79 acres was made subject to disposal under the homestead laws. The lands in the reduced reservation were turned over to this department October 2, 1890, and were appraised and made subject to disposition by instructions to the local officers dated April 9, 1895, each settler to pay an appraised price as provided in the act of August 23, 1894 (28 Stats., 491), under which the lands were opened. On May 21, 1895, the local officers were instructed that the lands were within railroad-granted limits, and that each settler would be required to pay not less than $2.50 per acre.

The act of May 31, 1902 (32 Stats., 283), also allows persons who complete title to homestead entries for lands within said reservation to make a purchase of 160 acres additional as grazing land by paying $1.25 per acre for the same. In January of 1912, an examination of the tract books showing lands in said reservation was made and it

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was found that there were unappropriated about 217,300 acres, 2,480 acres of which were within the reduced reservation. There were also 2,240 acres of land in the reduced reservation covered by entries on which final payment had not been made. The tract books show a number of changes in entries of lands in said reservation since the previous examination was made. There are now vacant about 211,700 acres, 2,154.19 acres of which are within the reduced reservation. There are still covered by homestead entries, on which payment has not been made, 1,140.37 acres in the reduced reservation, besides 400.34 acres covered by applications under said act of May 31, 1902. The proposed legislation would affect the lands in the reduced reservation covered by entries on which payment has not been made, as well as the vacant lands therein.

The appraised price of the vacant lands in the reduced reservation at $2.50 per acre amounts to $5,385.48, and the appraised price of the lands covered by homestead entries, on which payment has not been made, is $2,850.92. These homestead entries were all made within the last six years. These amounts represent the loss to the Government ultimately if the bill becomes a law.

In view of the length of time the lands have been subject to entry without being appropriated, I do not feel justified in urging any objection to the passage of the bill, except that I would recommend that there be added the following proviso:

"*Provided*, That nothing in this act shall be held to provide any refundment of moneys heretofore paid for lands in this reservation."

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

The above bill was reported upon favorably in the House by the House Committee on the Public Lands (Rept. No. 723), in which the following language is used:

The lands affected by the legislation are in two classes. First, 209,346 acres which are now subject to entry under the homestead law, without payment, and to the act of May 31, 1902, which authorized homesteaders to purchase additional tracts of 160 acres on the payment of $1.25 per acre. The proposed legislation will have, as to these lands, the effect of leaving these laws still in force and also make applicable to them such other provisions of the land laws of the United States as properly apply to such lands.

The other character of lands to which the bill applies consists of 2,154 acres of lands within the diminished 10,000-acre reserve. These lands are now subject to homestead entry and have been since 1895, with a provision of payment of $2.50 per acre. The effect of the legislation on these lands will be to continue the operations of the homestead law over them and to extend to them the other provisions of the land laws applicable to such lands. The legislation will further relieve the lands from the payment of $2.50 an acre when taken under the homestead laws. This amounts to a loss of $5,385.48, assuming that if the lands remained under this charge they could be disposed of. This, however, is doubtful, as these lands have been subject to homestead entry 19 years without being entered, though over 8,000 acres of the 10,000, approximately, of which they were a part were entered long since.

Though the bill as introduced contains no provision which could be properly held to form a basis of reimbursement to those who have already entered and made payment or of relief from further payments, on the approximately 1,500 acres on which $2,850 will be due, still it was deemed best out of an abundance of caution to adopt the proviso referred to.

This legislation is in line and harmony with the legislation of Congress in regard to matters of this kind. Following the usual practice, the 10,941 acres embraced in the diminished reserve and containing the old post buildings was appraised and opened to homestead settlement at the appraised price. After the lapse of 19 years the remaining lands being of little value, following the usual practice in like circumstances, they are made part of the public domain subject to the laws governing the same.

The larger area excluded from the reduced reservation and differing in no wise from the general run of public lands in the locality, was, following the common practice, first opened to entry under the homestead law in order to give the homestead settler first chance to secure the same. This area has remained under restricted entry longer than has been usual in such cases, or approximately 24 years. As it is in no wise different from the surrounding lands, there is no reason why this area should have any different status under the land laws than other public lands of the same character.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 756.

PUBLIC ROAD NEAR NASHVILLE, TENN.

AUGUST 19, 1914.—Ordered to be printed.

Mr. LEA of Tennessee, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. J. Res. 246.]

The Committee on Military Affairs, to which was referred this resolution, reports the same with the recommendation that it do pass.

The object to be accomplished is so clearly set forth in the report of the House Committee on Military Affairs that the same is incorporated herein and made the report of this committee.

Said report is as follows:

The Committee on Military Affairs, to whom was referred the resolution (H. J. Res. 246) authorizing the Secretary of War to grant a revocable license for use of lands adjoining the national cemetery near Nashville, Tenn., for public-road purposes, having considered the same, report thereon with a recommendation that it do pass.

It appears that the Government owns a strip of land lying outside the stone wall surrounding the cemetery on the north and west sides, 50 and 26.5 feet in width, respectively. This land is of no present use to the Government, and it is not at all likely that it will ever be needed for any purpose. The land adjoining has been cut up in lots of several acres in size and sold, and it is proposed to erect handsome suburban homes upon them. The owners propose to front these homes upon the cemetery, provided they are permitted to construct a roadway on the unused portion of the Government land referred to; otherwise they will front their homes in the opposite direction and upon a roadway constructed in conjunction with the owners of the lots in the rear of those fronting on the cemetery. This would result in the erection of garages, stables, and the outhouses incident to a home in the country, adjacent to the Government property and in close proximity and clear view of the cemetery, which would obviously be very objectionable. Application was made to the Secretary of War, but it was found that he had no authority to grant such a revocable license. This resolution simply vests in him the right to permit the use of such land for road purposes, provided he thinks it proper to do so, and on such terms and conditions as he may see fit to impose.

We think that clearly the Secretary ought to be given this authority.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 757.

BUREAU OF WAR RISK INSURANCE.

AUGUST 19 (calendar day, AUGUST 20), 1914.—Ordered to be printed.

Mr. CLARKE of Arkansas, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6357.]

The Committee on Commerce, to whom was referred the bill (S. 6357) to authorize the establishment of a bureau of war risk insurance in the Treasury Department, having considered the same. report it with amendments, and as amended recommend its passage,

The amendments referred to therein have been incorporated in the bill as reported, and are as follows:

Page 2, line 11, after the word "insurance" insert the words "by the United States."

In the same line and page, after the comma and the word "vessels," insert the words "their freight and passage moneys."

Page 2, line 14, after the word "vessels," insert a comma and strike out the word "or."

In the same line, after the word "shippers," insert the words "or importers."

Page 2, line 23, after the word "vessels," insert a comma and the words "their freight and passage moneys."

On the same page and line, after the word "and," strike out the word "their."

Page 2, line 24, at the end of the line strike out the word "country," and insert the word "port."

Page 3, line 13, after the word "losses," strike out the semicolon and insert a coma and the words "and generally in carrying out the purposes of this act.'

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 758.

TO AUTHORIZE THE CLOSING OF SWAN CREEK, TOLEDO, OHIO.

AUGUST 19 (calendar day, AUGUST 20), 1914.—Ordered to be printed.

Mr. BURTON, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6113.]

The Committee on Commerce, to whom was referred the bill (S. 6113) to authorize the closing to navigation of Swan Creek, in the city of Toledo, Ohio, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

WAR DEPARTMENT,
Washington, August 10, 1914.

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

SIR: I beg to acknowledge the reference by your committee of Senate bill No. 6113, current session of Congress, with request for an expression of my views touching the merits of the bill and the propriety of its enactment. The purpose of this measure is to eliminate from the list of navigable waters of the United States a stream designated as Swan Creek lying within the limits of the city of Toledo, Ohio, and to give Federal consent to the filling in of said creek by the local authorities.

Swan Creek is a small, crooked stream with a number of large bends, flowing through the city of Toledo, and emptying into the Maumee River about 5 miles from Maumee Bay. From its mouth to a point about 2,000 feet above, it has a width of from 50 to 75 feet, and an available depth of 9 or 10 feet, and above this point it has the same width, but the depth gradually lessens to about 4 feet. The stream is crossed by 10 bridges within the city limits, and the point of crossing of what is known as the "City Park Bridge," 1¾ miles above the mouth, is considered the head of practicable navigation. The whole valley of the stream is unsightly, being utilized as a public dumping ground, while the stream itself is used as a place for the discharge of city sewage whereby the waters are badly polluted.

From time to time, since 1907, the question of eliminating Swan Creek has been brought to the attention of the War Department by petitions from local interests, the essential reasons for its elimination being based upon its insanitary condition and upon considerations connected with the sewage disposal problems of the city of Toledo. The subject matter has been repeatedly investigated, but as there was no authority lodged in the department to permit the filling in of a stream and its elimination as a navigable waterway, the action desired by the petitioners could not be taken. It

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was recognized, however, that the stream was of little importance from the viewpoint of navigation, and the department was disposed to aid the authorities of the city of Toledo, so far as it could under the limited powers conferred by existing law, in the solution of their sewage problems and in their commendable purpose of removing the present unsanitary conditions. Accordingly, in response to an application from the city authorities, the department, on March 18, 1913, approved plans for changing a portion of the channel of the creek by diverting it through a new channel to be made along the old canal cut-off and the abandonment and filling in of the present channel. The project thus approved contemplates the filling in of a portion of the existing channel, commencing at a point about 2,000 feet above the confluence of the creek with the Maumee River, and while remedying to some extent the present unfavorable conditions, it has been represented that the project is not entirely satisfying, and hence the authority of Congress is sought for the elimination of the entire waterway.

The creek has at present little value as a commercial highway, being used only by sand dredges of small size, and while it is capable of improvement by widening and deepening, it is considered doubtful that its use for commerce can be very much increased in view of the difficulties to navigation presented by a narrow and crooked channel and by the numerous bridges required in a large and growing city. The loss to navigation by the abandonment of the stream would be purely local in character and general commerce would not be materially injured, while the civic benefits to the city resulting from such abandonment would be substantial and valuable. In such a case the interests of the local community should be the governing consideration, and if desired by the city of Toledo I am of the opinion that Congress would be fully justified in relinquishing the slight interest of the Federal Government in the waterway, as proposed in the bill under consideration.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 759.

ANNUITIES OF MEDAWAKANTON AND WAHPAKOOTA (SANTEE SIOUX) INDIANS.

AUGUST 19 (calendar day, AUGUST 20), 1914.—Ordered to be printed.

Mr. CLAPP, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 11246.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 11246) for the relief of the Medawakanton and Wahpakoota Bands of Santee Sioux Indians, after full consideration, report the same with an amendment, and as amended recommend that the bill do pass.

The committee has many times considered and reported similar bills for the restoration of the annuities of these Indians, and a number of such bills have passed the Senate; the last bill reported (S. 1760, 63d Cong., 1st sess.) is similar to all of the others, and follows the legislation enacted about eight years ago (act of June 21, 1906) for the restoration of the annuities of the Sisseton and Wahpeton Bands of Sioux Indians, whose annuities arose at the same time and in the same way, and were abrogated by the same act and for the same reason. The Sisseton and Wahpeton Bands have had their money now for over six years, and it is to be regretted that similar justice to these two bands has been so long delayed.

The bill (H. R. 11246) which passed the House on May 4, 1914, differs from the said Senate bill which was reported by this committee on July 2, 1913, and also differs from the legislation which has been enacted by Congress for the relief of the Sisseton and Wahpeton Bands in several material respects, and does not give to these two bands (Medawakanton and Wahpakoota) the same fair treatment which was accorded to the other two bands. For this reason the committee recommends that the said House bill (H. R. 11246) be amended by striking out all after the enacting clause and inserting in lieu thereof the said Senate bill (S. 1760, Calendar No. 60), which was

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reported by this committee after a full hearing and careful consideration, and which is as follows:

That jurisdiction be, and herby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September twenty-ninth, eighteen hundred and thirty-seven (Seventh Statutes at Large, page five hundred and thirty-eight), and August fifth, eighteen hundred and fifty-one (Tenth Statutes at Large, page nine hundred and fifty-four), as if the act of forfeiture of the annuities of said bands, approved February sixteenth, eighteen hundred and sixty-three, had not been passed; and said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September twenty-ninth, eighteen hundred and thirty-seven, up to the date of the passage of this act and shall determine and include the present value of the same and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against such amount so found all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

SEC. 2. That upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

SEC. 3. That proceedings shall be commenced by petition, verified by the attorney or firm of attorneys so authorized by John Eastman, assignee of Charles A. Eastman or Charles Hill, the attorneys in fact employed by said Indians under a contract bearing date November twenty-seventh, eighteen hundred and ninety-six, approved by the Commissioner of Indian Affairs June twenty-ninth, eighteen hundred and ninety-seven, and by the Secretary of the Interior July first, eighteen hundred and ninety-seven, and said suit shall be conducted by said attorney or firm of attorneys as attorneys of record, together with other counsel appearing in the case; and the court shall find and award upon a quantum meruit not to exceed ten per centum of the amount recovered to said attorneys and their associates the compensation which shall be paid to them for services rendered and to be rendered, and distribute the sum thus awarded to such attorneys and their associates as their respective interests may appear, under agreements among themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon rendition of final judgment, out of the proceeds of such judgment, if any, when an appropriation therefor shall be made by Congress.

SEC. 4. That the Secretary of the Interior is hereby authorized and directed to apply, out of any funds to the credit of said Indians, the sum of $2,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys of said Indians in said case in the taking of testimony therein and defraying the expenses of printing incidental thereto.

The House bill (H. R. 11246) for the relief of the Santee Sioux, as now reported with this amendment, follows the legislation for the relief of the Sisseton and Wahpeton Bands, and should be passed in its present amended form for the same reasons. The jurisdiction conferred upon the court for the relief of the Sisseton and Wahpeton Bands provided that the court, in rendering judgment, should charge against their unpaid annuities "all payments or other provisions made to or for said bands by the United States which are properly chargeable against said unpaid annuities."

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These words of broad jurisdiction and limitation are not contained in this House bill for the relief of the Santee Sioux Indians. But, on the other hand, the said House bill is so worded as to indicate that the court should charge against their annuities sums which the court might find were not "properly chargeable against their unpaid annuities." Surely nothing should be charged against the annuities of these Indians which the court would find to be an improper charge against their annuities. The court construed these words (which are quoted above) and adopted a rule for set-offs and charges in the Sisseton and Wahpeton case, and the committee submits that the court should be permitted to apply the same rule in the case of these two bands of Santees, whose annuities arose at the same time and in like manner. Many payments or other provisions made to or for these Indians since the abrogation of their annuities in 1863, were made to the four bands (known as the two upper and two lower bands) jointly, without separate accounts being kept. In such instances, the court in the Sisseton and Wahpeton case charged what appeared to be the fair proportion of such sums to those bands, and left the remainder of each such payment to be charged against the other two bands (Medawakanton and Wahpakoota) when the court should be authorized to pass upon their claims for the restoration of their annuities.

Now, if the jurisdictional act for the relief of these two bands does not contain the same essential words providing that they shall be charged with "all payments or other provisions made to or for said bands by the United States, which are properly chargeable against said unpaid annuities," then the court must take note of the fact that Congress intends that a different rule shall be applied to these bands. Surely there can be no such intention on the part of Congress.

The situation as to the claim of these Indians is, briefly, as follows:

Prior to 1863 the Sisseton and Wahpeton Bands, known as the Upper Sioux, and the Medwakanton and Wahpakoota Bands, known as the Lower Sioux, lived on adjoining reservations in the State of Minnesota. Formerly the Upper Sioux and the Lower Sioux, in similar but separate treaties, had ceded all of their lands to the United States save the small reservations on which they were then living and in consideration for the cession the Government agreed to pay them certain annuities.

By act of Congress approved February 16, 1863, the annuities of both the Upper and Lower Bands were forfeited in consequence of the Sioux outbreak of 1862.

By act of Congress approved June 21, 1906, Congress restored the forfeited annuities of the Sisseton and Wahpeton Bands (Upper Sioux) and conferred jurisdiction upon the Court of Claims to hear and determine the amount of unpaid annuities that would be due them as if the act of forfeiture had not been passed, and also to ascertain and set off against said amount all sums which had been paid to or for said bands, or to or for any members thereof, since said act of forfeiture was passed, which the court should find were properly chargeable against said annuities, and to render judgment for the balance, if any.

The reports of the committees of Congress in support of the legislation for the relief of the Sisseton and Wahpeton Bands will be found in Senate Report No. 2561, Fifty-ninth Congress, first session, page 80, and House Report No. 2751, Fifty-ninth Congress, first session.

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The annuities of the Medwakanton and Wahpakoota Bands (Lower Sioux) arose as follows:

By the first article of a treaty dated September 29, 1837 (Stat. L., 538), the Medwakantons ceded to the United States all of their lands east of the Mississippi River and all of their islands in said river, the consideration for said cession being $15,000 per annum "forever." Of this annuity, 27 installments had been paid at the time of the outbreak.

It is the policy of the Government to discontinue perpetual annuities by capitalizing the same at their present value, which is provided for in this bill.

By the second article of a treaty made at Mendota in the then Territory of Minnesota, on the 5th day of August, 1851 (10 Stat. L., Treaties, p. 56), the Medwakanton and Wahpakoota Bands of Sioux Indians ceded to the United States "all their lands and all their right, title, and claim to any lands whatever in the Territory of Minnesota or in the State of Iowa."

The consideration for the land ceded by this treaty, adjusted according to terms of the treaty and amendments thereto, was, in annuities, $61,450 for a period of 50 years. Of these annuities, 12 installments had been paid at the time of the outbreak, leaving 38 unpaid.

The devastation of property and the loss of life resulting from this outbreak is familiar history; but the evidence shows that nearly every guilty Indian is dead.

It is established that many individual Indians of these two bands bore arms to suppress the outbreak, while others gave aid and comfort to settlers and prisoners, saving captive women and children, thus incurring the risk incident to arraying themselves against the hostile Indians.

The question arises: Were these Indians who participated in the outbreak guilty of treason or an act of disloyalty to the United States Government, or were they guilty of committing a crime against society as individuals? If they are to be considered as committing an act of treason or disloyalty, then it would seem the Government should deal with them at it dealt with the disloyal members of the Five Civilized Tribes.

Congress, by act approved July 5, 1862, provided for forfeiting the annuities of any Indians, including the Cherokees and other Indians composing the Five Civilized Tribes, who joined the Southern Confederacy and took up arms against the Union. After the war the Government made new treaties with all the Indians of the Five Civilized Tribes, restoring every dollar of the annuities to loyal and disloyal alike; and later Congress, in one or more cases, went even further and paid to these Indians an additional consideration for their lands ceded, being the difference between 31 cents an acre, the amount provided to be paid them by the treaty, and $1.25 an acre, the statutory price. So if these Indians who participated in the outbreak were guilty of an act of disloyalty, then why should not their annuities be restored, as in the case of the Five Civilized Tribes? Besides, these Indians are to-day citizens, so it would seem that the spirit of the Constitution, if not the letter thereof (Art. III, sec. 2), should protect them against the act of forfeiture beyond the lives of persons attainted." That forfeitures are not favored is fundamental. This Government was carrying out this basic governmental policy when it paid the heirs of Gen. Robert E. Lee for the Arlington estate.

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If these Indians who participated in the outbreak were not guilty of disloyalty or treason, then they were guilty as individuals of murder. For this crime the guilty individuals who were not killed by Gen. Sibley's troops in quelling the outbreak were arrested and tried for their crime and convicted and part of them hanged and the remainder imprisoned. The guilty Indians have nearly all paid the penalty of their crimes. If there are any still living, the Government has established or can establish their guilt. At any rate, the burden should be on the Government to show who are guilty and still living, if there be any.

The bill provides that the Department of the Interior shall make up a roll of those who are now living and residing in the United States who are entitled to share in these annuities, leaving off the names of any Indians who took part in the outbreak.

The sweeping act of forfeiture passed by Congress soon after the outbreak has deprived not only the friendly Indians who survived the difficulties of that period of the moneys due for their land during the remainder of their lives, but has visited the sins of the few hostile Indians upon helpless women and upon unborn children. If the Government should adhere to this act of confiscation, it would be the only instance of the kind in our history. Therefore, it seems to your committee that the ends of justice would be accomplished by the passage of the proposed bill.

The bill provides that payment of the amount found to be due by the court shall be made per capita to those Indians now living, except those whose guilt can be shown.

The Department of the Interior has, however, always contended that these Indians have forfeited their rights to the restoration of these annuities by becoming parties to the treaty of April 29, 1868, and further contends that if they did not surrender and forfeit their claims or rights by the terms of such agreement, that then they should be charged up with all payments in money, or clothing, provisions, etc., made under that treaty.

The wording of the House bill on this point is as follows: "All equities and benefits received thereunder (treaty of 1868) by the Santee Sioux Indians shall be taken into consideration in the determination of the amount of the recovery." If the court should construe this language in the House bill to be a direction on the part of Congress to charge against these Indians all of the payments made under the treaty of 1868, then the Indians would recover nothing, because the money and other provisions expended by the United States under that treaty amounts to more than the Indians can hope to recover after the court has made other charges and set-offs against their annuities as the court made in the case of the Sisseton and Wahpeton bands.

The committee, after a careful investigation of this treaty (1868) and the conditions under which it was made, can not concur in the view taken by the department as expressed in said House bill. The department cites article 10 of said treaty, which reads as follows:

> In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver, etc.—

naming the clothing, money, supplies, and provisions which the Government agreed to furnish the Indians.

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The department also points to article 17, which reads as follows:

It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

The committee can not understand how the provisions of these two articles can be held to be an abrogation of the rights of the Indians to annuities which were at that time forfeited, and therefore could not have been in the minds of the parties. Besides, a reading of the whole treaty shows that the Government sought the Indians to make this treaty for a governmental purpose. The things that the Indians were to do are expressly stated, and stated to be done in consideration for payments to be annually made.

The facts about that treaty are briefly as follows:

The Indians occupying the territory north of the proposed line of the Union Pacific Railway and on the western frontier had been rounded up by the Army and at Fort Laramie; these bands being the Brule, Ogallala, Minicongou, Yanktonai, Unkpapa, Blackfeet, Cuthead, Two Kettles' Band, Sioux, and the Arapahoes, were gathered in to meet Lieut. Gen. William T. Sherman, Gen. William S. Harney, Gen. Alfred H. Terry, Gen. C. C. Augur, of the United States Army, and four civilian commissioners appointed by the President. The council was dominated by the Army.

Nearly all of these various bands, parties to the treaty, except the Santee Sioux of Nebraska, were more or less hostile. The seven Santees who signed the treaty were a part of the small band of Santee Sioux Indians which had been gathered up and moved by the Government to Niobrara, Nebr., after the release of the remnant of the Indians that had been confined at Davenport, Iowa.

These Indians were wholly indigent, broken-spirited, and without hope in the world. They were completely subjugated and were wholly under the care and the influence of the United States at Niobrara. If they had signed this treaty in the understanding that they were surrendering their rights to the restoration to their children of the forfeited annuities, they would have so signed without the shadow of authority. They did not represent the great mass of Santee Sioux Indians who still remained in Minnesota and Dakota. They were in that deplorable condition in which individuals, and sometimes weak nations, execute any agreement that is presented to them by the power holding them under subjugation. They were perfectly willing, unquestionably, to accede to the terms of peace proposed by the United States, and doubtless they extended whatever influence they possessed, as heartily as was in their power, to bring to a peaceful disposition the more hostile part of the Sioux Indians, such as Two Kettles's Band, the Unkpapas, and others of a hostile disposition who had been depredating upon the line of the proposed Union Pacific Railway and upon the line of travel over the "California Trail" up the Platte River.

Affidavits have been made by two of those who claim that they signed the treaty to the effect that no council of their band was held to authorize them or anyone else to enter into a treaty with the United States.

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In the first paragraph of the indicated treaty of 1868 the parties agreed that war should forever cease, and recites as follows: "The Government of the United States desires peace, and its honor is hereby pledged to keep it;" "the Indians desire peace, and they now pledge their honor to maintain it;" so that peace was the object of the signatory parties.

Article 11 of that treaty sets out seven specific services which the Indians were required to render the Government continuously. Briefly stated, they were that the Indians should withdraw "all opposition to the construction of the railroads now being built on the Plains"; that they not only would not attack any white persons or wagon trains or coaches, or capture any cattle or mules belonging to the United States or to white people, but that they should protect the white people and their property and the property of the United States in every way within their power; they also agreed to withdraw all opposition to the military posts or roads established and to be established by the Government in the Northwest, and further specifically agreed to help the Government to capture and punish any Indians who attacked white people or Government agents or committed depredations on their property, and to police the frontier.

In short, the Government sought these Indians on the frontier to enter into a treaty for a specific governmental purpose; that is, peace and the protection of the frontier. The Indians agreed to perform this service, and the Government agreed to pay them annually certain sums of money, food, clothing, etc., in consideration for their services. Any time that the Indians stopped performing these services payments to them would stop. Therefore the payment made to these 10 bands of Indians was the annual recognition of the fact that the Indians had carried out their part of the agreement in good faith.

It is evident, therefore, that the agreement of 1868 was sought by the Government in the interest of civilization and for purposes of the Government, and that the Indians performed the services required, and that the payments made to them were the consideration for such services as stated in the treaty.

This shows clearly that the provisions of articles 10 and 17 of that treaty, which provided that the payments to be made under it should be in lieu of all payments heretofore granted to these Indians under treaty stipulation, can not and should not be a bar to the recovery by these Indians of their annuities which were forfeited in 1863. It is clear that the contracting parties, if the treaty as between the Government and this band of Sioux Indians can be called a contract, did not have in mind at the time the forfeited annuities of the Sioux, the same having been abrogated by act of Congress in 1863.

In this connection it should be noted that the Government, in making certain payments to the small band of Santee Sioux at Niobrara, Nebr., under the terms of the agreement of 1868, did not make any payments to the larger part of these Santee Sioux who were in Minnesota, the Dakotas, and Montana, and were not upon the reservation at Niobrara.

Some of the Senate reports in support of this bill as amended, and of similar former bills, are as follows:

Senate Report No. 2561 (59th Cong., 1st sess., p. 80); Senate Report No. 2178 (59th Cong., 1st sess.); Senate Report No. 5689 (59th Cong., 2d sess., pp. 76–81); Senate Report No. 468 (60th Cong., 1st sess.); Senate Report No. 2153 (60th Cong., 2d sess.); Senate

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Report No. 818 (62d Cong., 2d sess., p. 21); Senate Report No. 70 (63d Cong., 1st sess.).

Some of the House reports as follows:

House Report No. 2153 (60th Cong., 2d sess.); House Report No. 1398 (61st Cong., 2d sess.); House Report No. 444 (62d Cong., 2d sess.); House Report No. 344 (63d Cong., 2d sess.).

Attention is specially invited to Senate Report No. 5689 (59th Cong., 2d sess., pp. 76–79), setting forth the reasons of the Senate committee why no payment made under the treaty of 1868 should be charged against the forfeited annuities which it is now proposed to restore.

Attention is also called to Senate Report No. 2561 (59th Cong., 1st sess., p. 80), in which the Senate committee states why the unpaid annuities of all of the Sioux Indians should be restored.

Dr. Chas. A. Eastman, who is a Santee Sioux, and who has been employed by his people to prosecute their claim, has (together with counsel employed by him to assist in presenting the merits of their claim and to prosecute it through the courts) appeared a number of times for many years before the committee and has urged that his people be given the same opportunities before the courts to establish the balance justly due them as has already been given to the other bands. In a hearing given him by the committee a few days since he insisted that the House bill be amended so as to give his people such a fair and just opportunity before the courts, and further expressed his belief that the terms of the Senate bill, if enacted into a law, would afford them such an opportunity.

MARCH 21, 1912.

Hon. ROBERT J. GAMBLE,
Chairman Committee on Indian Affairs, United States Senate.

SIR: The department is in receipt by reference with request for a report thereon of a copy of S. 5241, entitled "A bill for the relief of the Medawakanton and Wahpakoota Bands of Indians, otherwise known as the Santee Sioux Indians, and for other purposes."

This bill confers jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as the Santee Sioux Indians, for their interests in certain lands set apart as a reservation for them and other lands of Sioux Indians by the treaty of April 29, 1868 (15 Stat. L., 635), of which they were deprived by the act of March 2, 1889 (25 Stat. L., 888).

By the act of Congress approved February 16, 1863 (12 Stat., 652), all treaty obligations on the part of the Government to the Sioux of Minnesota were abrogated, including all annuities due said Indians under the treaties of 1837 and 1851.

By the act approved March 3, 1863 (12 Stat. L., 819), Congress, recognizing the need and destitute condition of the Indians, authorized the President to set apart a tract of unoccupied lands "outside of the limits of any State sufficient in extent to enable him to assign to each member of said bands (who are willing to adopt the pursuit of agriculture) 80 acres of good agricultural lands, the same to be well adapted to agricultural purposes."

Under the provisions of this act the Crow Creek Reservation in South Dakota was selected, and during the year 1863 some 1,300 Sioux Indians of the Mississippi were removed thereto. After three years' trial, this reservation having been found not to be a tract of "good agricultural lands, well adapted to agricultural purposes," another tract was selected for them in Nebraska Territory, and was set aside for the Santee Sioux Indians by Executive order of February 27, 1866. The Indians removed to the Santee Reservation were those that had been located at the Crow Creek Reservation, consisting of the old men, women, and children of the Sioux, who surrendered to and were captured by the military in 1863, together with about 75 who had been pardoned by the President and sent there about a year and a half before; the Sioux Indian

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prisoners, about 200 in number, who had been confined at Davenport, Iowa, for about three years; and the Sioux in Minnesota, who were friendly to the United States during the outbreak of 1862 and were then in destitute circumstances in that State.

From the annual report of the Indian agent for the Santee Agency for the year 1866 it appears that the Santee Sioux are composed of Sissetons, Wahpetons, Medawakantons, and Wahpakootas. The bands which were provided for by the act of March 3, 1863, above mentioned, and the Indians of the reservation in Nebraska have since been known and designated as "Santee Sioux."

By the second article of the treaty of April 29, 1868, supra, to which treaty the Santees were a party, the Sioux relinquished all claims or rights in and to any portion of the United States or Territories except such as were embraced within the limits of the reservation described in that article, and existing reservations on the east bank of the Missouri River, and except certain homestead privileges conferred by the sixth article.

By section 16 of the act of March 2, 1889, supra, "all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by the said treaty of April 29, 1868," was confirmed to them. The title thus confirmed to these Indians, however, with respect to the lands set apart for them appears to have been that of use and occupancy only, as all treaty obligations on the part of the Government to the Sioux of Minnesota had been previously abrogated by the act of Congress approved February 16, 1863, above mentioned.

By section 7 of the act of March 2, 1889, provision was made that each member of the Santee Sioux Tribe of Indians "now occupying a reservation in the State of Nebraska, not having already taken allotments, shall be entitled to allotments upon said reservation in Nebraska." This section also provided that the Santee Sioux should be entitled to all other benefits under the act in the same manner and with the same conditions as if they were residents upon said Sioux Reservation receiving rations at one of the agencies named in the act. Provision was also made in said section that all allotments theretofore made by said Santee Sioux in Nebraska were ratified and confirmed.

By section 17 of the act of 1889 the Santee Sioux, the Flandreau Sioux, and the Ponca Indians were specifically included in the benefits of the Sioux permanent fund provided in sections 7 and 13 of the act.

By section 8 of the act of Congress approved July 13, 1892 (27 Stat. L., 145), provision was made for the payment to the Santee Sioux Indians in the State of Nebraska who had not received allotments the value of such allotments in cash. And by the act approved June 21, 1906 (34 Stat. L., 325–356), authority was granted for the payment to the Santee Sioux in Nebraska of all their share of the principal permanent fund of the Sioux Nation created by the seventeenth section of the act of March 2, 1889.

From the foregoing history of the Santee Sioux Indians it does not appear that they have been deprived of any lands or other benefits to which they were entitled under the treaty of 1868, but on the contrary that they have been dealt with very generously by the Government.

However, as it appears that the said Indians believe that they have a claim against the Government by reason of the provisions of the act of 1889, supra, the department is not inclined to interpose any objection to the submission of the matter to the Court of Claims in order that it may receive final adjudication and settlement.

* * * * * * *

Respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

UNITED STATES SENATE,
COMMITTEE ON INDIAN DEPREDATIONS,
April 28, 1902.

SIR: Senate bill 594, for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, having been referred to a subcommittee of which I am chairman, and the same is now under consideration, I would thank you very much if you would supply me with the following data or information at as early a date as you conveniently can. I have before me Senate Document 67, Fifty-fifth Congress, second session, also other documents relative to the claim of these Indians, and your letter of March 10, 1900, addressed to Hon. John M. Thurston, chairman Committee on Indian Affairs, United States Senate. In this latter communication you state that up to January 1, 1898, there had been expended for the Santee Indians under all treaties with them, and acts of Congress in their behalf, $1,077,814.55 over

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all treaty or legal obligations, including their care and support under all treaties or agreements made with the Sioux of different tribes.

I would be under obligations to you if you would make a statement of account, if you can properly do so, giving the said Indians credit for the full amount of their annuities under the treaties of 1837 and 1851 up to July 1, 1902, the same as though these annuities had not been forfeited by the act of February 16, 1863, then charge these Indians with the amount paid on their annuities under the treaties aforesaid.

Also charge them for their share expended for removal and damages resulting from the loss to the settlers of Minnesota occasioned by the outbreak. Charge also against them, in addition to the amount paid for removal, what has been expended for their support and maintenance, clothing, etc., that has been appropriated and expended in their behalf independent of any treaty obligations since the act of forfeiture of February 16, 1863, and not accruing to them under any other treaty or obligation. Also any other items or charges that in law would be a proper offset against these Indians in their application for the restoration of the forfeited annuities, bringing the same down to this date.

I would also thank you for the latest authentic census of these Indians immediately preceding the outbreak of 1862. Also the earliest authentic census of these Indians after the outbreak. Also such information as you may have, if any, as to the number of hostile Indians belonging to the Santee bands that participated in the outbreak of 1862, and also the number of those who were friendly and were helpful and rendered assistance to the whites in the saving of lives and of property. Also the number of Indians of these bands tried and convicted for participation in the massacres of 1862 and the number executed, and in this I will be glad to have shown the number of Sisseton and Wahpeton Indians who were tried and convicted, and the number of these bands that were executed. Also the number of Santees who, in 1862 and 1863, fled from Minnesota and the jurisdiction of the United States and removed to Canada.

I would also appreciate any other information that might be given leading to a proper and thorough investigation of the claims of these Indians under the proposed bill.

Very respectfully,

ROBERT J. GAMBLE,
Chairman Subcommittee, United States Senate.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

[Senate Document No. 168, Fifty-seventh Congress, second session.]

DEPARTMENT OF THE INTERIOR,
Washington, February 20, 1903.

SIR: Complying with your request of April 28, 1902, I transmit herewith a letter from the Commissioner of Indian Affairs, dated January 20, 1903, giving certain information specifically requested by your said letter, as bearing upon the bill (S. 594) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

HON. ROBERT J. GAMBLE,
Chairman Subcommittee of Committee on Indian Affairs,
United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 20, 1903.

SIR: I have the honor to acknowledge receipt, by your reference of April 18, 1902, of a communication from the Hon. Robert J. Gamble, United States Senate, stating that Senate bill 594, for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, having been referred to a subcommittee of which he is chairman, he requests the following information be furnished, viz:

1. Credit for the full amount of annuities under treaties 1837 and 1851 to July 1, 1902.
2. Charge them with the amount paid under their annuities under the said treaties.
3. Charge them for their share expended for removal and damages by the Minnesota outbreak.

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4. Charge also in addition to the amount paid for removals what has been expended for support, maintenance, and clothing that has been appropriated and expended in their behalf independent of any treaty obligation since the forfeiture act, and not accruing to them under any other treaty or obligation.

5. Also any other item or charges that in law would be a proper offset against these Indians in their application for the restoration of the forfeiture annuities, bringing the same down to this date.

6. Latest authenticated census immediately preceding the outbreak of 1862.

7. Also the earliest authentic census of these Indians after the outbreak.

8. The number of hostile Indians belonging to the Santee Band that participated in the outbreak of 1862, and the number who were friendly and helpful to the whites.

9. The number of Indians of these bands tried and convicted for participation in the massacre of 1862, and the number executed, and the number of Sisseton and Wahpeton Indians tried and convicted and the number of these bands executed.

10. The number of Santees who in 1862 and 1863 fled from Minnesota and the jurisdiction of the United States and removed to Canada.

11. Any other information leading to a proper and thorough investigation of the claims of these Indians under the proposed bill.

Under the treaty of September 29, 1837, with aforesaid Indians it was agreed, by article 2, to make the following payments, etc.:

First. To invest $300,000, and to pay them an annual interest of not less than 5 per cent forever.

Second. One hundred and ten thousand dollars, to be distributed among the relatives and friends of the chiefs and braves.

Third. Ninety thousand dollars, to be applied in the payment of the just debts of Indians interested in the lands ceded.

Fourth. Ten thousand dollars per annum for 20 years, in goods.

Fifth. Eight thousand two hundred and fifty dollars annually for 20 years, in the purchase of implements, stock, and medicines, and for the support of a physician, farmers, and blacksmiths, and for other beneficial purposes.

Sixth. Ten thousand dollars for breaking and improving their lands, for agricultural implements, tools, cattle, and other useful articles.

Seventh. Five thousand five hundred dollars annually for 20 years, for the purchase of provisions.

Eighth. Six thousand dollars for presents to the parties signing the treaty.

This treaty therefore provided for the investment of $300,000 at 5 per cent, amounting to $15,000 annually forever, for payments amounting in the aggregate to $216,000, for annuities amounting to $23,750 annually for 20 years.

Under this treaty was due the tribes as follows:

Payment to relatives, for debts, breaking land, for goods, etc	$216,000
For interest on $300,000 at 5 per cent from 1837 to July 1, 1902	975,000
For annuities aggregating $23,750 annually for 20 years	475,000
Add principal	300,000
Total	1,966,000

Expended under treaty of 1837:

Payment to relatives, etc	$216,000
Payment of interest from 1837 to 1863	400,000
Payment of annuities for 20 years	475,000
	1,091,000
Difference unpaid from 1863 to July 1, 1902	875,000
Total	1,966,000

Under the treaty of August 5, 1851, the United States agreed to pay the Medawakantons and Wahpakootas for the land ceded by article 2 the sum of $1,400,000. Of this amount $220,000 was to be paid to the chiefs of said bands to settle their affairs and for removal and to subsist themselves for the first year after removal, and $30,000 for schools, mills, blacksmith shops, opening farms, fencing and breaking land, and other beneficial objects. The balance, $1,160,000, was to remain in trust with the United States and 5 per cent interest thereon paid annually for 50 years, commencing July 1, 1852, which was to be in full payment of said balance. By the act of August 30, 1852, Congress appropriated $69,000 for the tract of 690,000 acres set apart by the third article of the treaty. This sum was added to the principal of $1,160,000, making $1,229,000, producing an annual interest of $61,450.

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There was therefore due under the treaty of 1851 as follows:

For removal and support	$220,000
For schools, mills, etc	30,000
For interest on $1,229,000, at 5 per cent, for 50 years	3,072,500
Total	3,322,500

Amount paid under same treaty:	
Expanded for removal and subsistence	220,000
Expended for schools, etc	30,000
For interest on $1,229,000 from 1872 to February 16, 1863, 12⅔ years, at 5 per cent	777,400
	1,027,400
Interest due for 37½ years	2,295,100
Total	3,322,500

From the foregoing it is shown that the two bands would have been entitled to $3,170,100 for unpaid interest under both treaties had not the act of February 16, 1863, been passed, but as an offset against this amount they are properly chargeable with the following:

By the act of February 16, 1863 (12 Stats., 652), there was paid out for removal, damages, and support, $1,778,709.48, of which the Santees are charged with $889,354.74.

By section 4 of the act of March 3, 1863 (12 Stats., 819), providing for the sale of Sioux reservations in Minnesota and Dakota, there has been received from such sales to July 1, 1902, $947,920.50. Prior to 1870 the Santees participated jointly with the Sissetons and Wahpetons in the expenditure of $206,753.66, but since that year the accounts have been divided and the Santees receive two-sevenths of the proceeds of the sales. It is safe to presume that as the Santees received at least two-sevenths of the proceeds of the sales prior to 1870, they will be charged in this statement with two-sevenths of the entire amount of $947,920.50, being $270,834.44.

By the act of March 2, 1861 (12 Stats., 237), they were paid $96,000 for 320,000 acres of land, which is considered as chargeable. By the act of July 27, 1868, $50,000 was appropriated for subsistence, clothing, etc., of which $46,300.05 was expended. By the act of April 10, 1869, $15,000 for payment to citizens in Nebraska for damage, of which $11,612.93 was expended. By act of May 16, 1874, $70,000 was appropriated to pay debts of Upper and Lower bands of Sioux, Santee proportion, $42,086.93. Amount chargeable in settlement of damages paid under the provisions of the act of February 16, 1863, $15,220.24. (See S. Doc. No. 67, 55th Cong., 2d sess., p. 7, for complete statement of this charge.) Amount appropriated for support of Medawakantons in Minnesota from 1884 to 1900, inclusive, $81,803.20.

By the treaty of April 19, 1868 (15 Stats., 635), it was provided that flour and meat were to be provided for a period of four years to each person, parties to the treaty, who should remove to and settle upon the reservation set apart for them. This treaty was signed by the Santees and nine other Sioux tribes. After the four years had expired Congress, beginning in 1874 and continuing to include 1877, appropriated $4,475,000 with which to purchase bacon, beef, flour, and sugar for the Sioux and for the purpose of civilization. As the books of this office do not show how much was expended for each band, it was necessary to examine the agency accounts during the years for which Congress made these gratuitous appropriations and prior to the agreement of February 28, 1877 (19 Stats., 254). By taking the total amount of subsistence received from contractors yearly and the contract price for each it was found that the Santees received about $97,743.94 as their proportion of the $4,475,000 paid for their subsistence.

By the acts of March 3, 1891 (26 Stats., 1056), March 3, 1893 (27 Stats., 624), and March 2, 1895 (28 Stats., 889), Congress appropriated $126,620, $30,666.66, and $49,066.64, respectively, for payment to scouts and soldiers of the Sisseton, Wahpeton, Medawakanton, and Wahpekoota Bands of Sioux who served as scouts during the Sioux outbreak in Minnesota in 1862 or who served in the Army of the United States during the War of the Rebellion. An investigation of the evidence submitted by applicants for enrollment goes to show that of the 138 names on the census of the scouts and soldiers made in 1891, that 65 of them belonged to the Medawakanton and Wahpekoota Bands, 13 to the Sisseton and Wahpeton Bands, and 60 doubtful, not finding evidence upon which to identify them as to their band. Most of those identified appear to have enlisted in the Army in 1861, prior to the Sioux outbreak.

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It has been ascertained that the Santees are chargeable with at least $94,610.44 of the scout and soldier money, which amount is subject to increase if any of the 60 doubtful ones are identified as Santees. They have received a reservation in Nebraska of 73,000 acres, valued at $1 per acre, the amount per acre allowed the unallotted Flandreaus and Santees in lieu of land being $73,000. For money paid the unallotted Santees and Flandreaus in lieu of land (act of Mar. 2, 1889; 25 Stats., 888, art. 7), $76,041.30.

For the amount paid Hans C. Peterson for damages (19 Stats., 549), $2,283.92; Santees' proportion, $1,141.96.

The foregoing amounts are all chargeable as offsets as not accruing under treaties or obligations, and a general statement of the same will be found at the close of this report.

I am of the opinion that all the expenditures made for the Santees under the treaty of April 19, 1868, the agreement of February 28, 1877, and the act of March 2, 1889, are properly chargeable against them as offsets, but the request of Senator Gamble states the offsets are to be "independent of any treaty or obligation"; otherwise the amounts shown by statement No. 9 in Senate Document No. 67, Fifty-fifth Congress, second session, would be included, less the $76,041.30, amounting to $1,997,786.83, and I am of the opinion that in law it should be charged as an offset against any claim they may present against the Government for the following reasons:

Under the treaty of April 19, 1868 (15 Stats., 635), to which the Santees were a party, article 10 provided:

"In lieu of all sums of money or other annuities provided to be paid the Indians herein named under any treaty or treaties heretofore made the United States agrees to deliver, etc."

And article 17 of the same treaty provides:

"It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further."

By accepting the provisions of the two articles quoted the Santees were enabled to participate in all the benefits of the treaty of 1868 equally with the nine other bands of Sioux and Arapahoes. It has been stated that by the forfeiture act of February, 1863, all benefits accruing to them under former treaties had been annulled, therefore they had no treaties to be abrogated or annulled as provided by article 17. How far this position can be maintained is a matter of law and should be determined by the proper court. Certain it is that had the Santees not forfeited their annuities under the above act they would have been abrogated by the treaty of 1868 if the Santees became a party to it, otherwise they would have received no benefits under the treaty of 1868, agreements of 1877 and 1889.

Having accepted the provisions of 1868, in making a claim for the restoration of their annuities due under the treaties of September 29, 1837, and August 5, 1851, it would appear that the most they could justly claim would be the one-third due for 1864 and the full annuity up to April 19, 1868, the date of the treaty, or about $50,000 interest under treaty of 1837 and $205,800 under treaty of 1851, making a total of $255,800, which is more than overcome by the offsets referred to in this letter. A statement under this proposition will be shown at the conclusion of this report.

The foregoing disposes of the first six questions in your letter relating exclusively to their financial matters.

The latest authenticated census preceding the outbreak, as shown by the report of the Commissioner of Indian Affairs for 1862, page 354, of the Lower Sioux (Santees) is males 973, females 1,252; total, 2,225. The earliest census after the outbreak is found in the report for 1866, page 346, and they numbered 1,350. (See also report for 1863, p. 321.) A diligent search through the reports and records fails to disclose how many Santees participated in the outbreak of 1862, or the number who were friendly to the whites. The Indian Commissioner's report for 1866, page 230, states that 240 captives were released and 39 hung. The report is silent as to which bands they belonged to. I am unable to state the number of Santees who in 1862 and 1863 fled from Minnesota and removed to Canada, but it might be approximately stated as between 800 and 900, as taken from the census of 1862 and that of 1866.

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Statement No. 1.

	Amount due.		Amount chargeable as offsets.
Due under treaty of 1837	$875,000.00	Removal and damages	$889,354.74
Due under treaty of 1851	2,295,100.00	Expended proceeds of reservations in Minnesota and Dakota	270,834.44
		Paid for 320,000 acres of ceded land	96,000.00
		Paid for support, clothing, etc	46,300.05
		Paid citizens of Nebraska for damages	11,612.93
		Paid creditors of Santees	42,086.93
		Chargeable for damages	15,220.24
		Paid Medawakanton Band from 1884 to 1900	81,803.20
		Beef, flour, etc., from 1874 to 1877, inclusive	97,743.94
		Paid scouts and so.diers	94,610.44
		Value of reservation in Nebraska	73,000.00
		Paid the Santees and Flandreaus in lieu of land	76,041.30
		Paid Hans C. Peterson, Santees' proportion	1,141.96
		To balance due Santees under this inquiry	1,374,349.83
Total	3,170,100.00	Total	3,170,100.00

Statement No. 2, showing the amount that would have been due the Santees under the treaties of 1837 and 1851 had they accepted the provisions of articles 10 and 17 of the treaty of Apr. 19, 1868, and had the forfeiture act of Feb. 16, 1863, not been passed.

Due under treaty of 1837, 3½ years' interest, at $15,000	$50,000
Due under treaty of 1851, 3½ years' interest, at $61,450	205,800
Total	255,800

Allow them $255,800 and charge them with the amounts expended for their benefit outside of any treaty obligations, and it is plainly seen that the United States has more than repaid them, when it is taken into consideration that they have received benefits under the treaty of 1868, 1877, and act of 1889, $1,997,786.83, up to include December 31, 1897. Add a proportionate amount to include money expended to July 31, 1902, and what more may be expended for them in the coming years to carry out the provisions of existing treaties and agreements, and it can readily be seen why the position is taken by the department and this office in all reports to Congress that the Santees and Flandreaus have received more than they lost by the confiscation of their annuities.

The letter from Senator Gamble is herewith returned.

Very respectfully,

WM. A. JONES, *Commissioner.*

The SECRETARY OF THE INTERIOR.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 763.

ESTABLISHMENT AND MAINTENANCE OF MINING-EXPERIMENT AND MINE-SAFETY STATIONS.

AUGUST 21, 1914.—Ordered to be printed.

Mr. WALSH, from the Committee on Mines and Mining, submitted the following

REPORT.

[To accompany S. 5588.]

The Committee on Mines and Mining, to which was referred the bill (S. 5588) to provide for the establishment and maintenance of mining-experiment and mine-safety stations for making investigations and disseminating information among employees in the mining, quarrying, metallurgical, and other mineral industries, and for other purposes, reports the same favorably to the Senate and recommends that it be passed with the following amendments:

On page 1, line 7, after the word "bureau," insert the following: "and more efficiently to carry out the purposes of the said bureau as in said act defined."

On page 1, after line 8, strike out the remainder of the section.

The letter of the Secretary of the Interior commending the provisions of the bill is made a part of this report, and is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 15, 1914.

MY DEAR SENATOR: Replying to your letter of May 20, relative to Senate bill 5588, providing for the establishment and maintenance of mining-experiment stations and mine-safety stations, and for other purposes.

This bill carries two distinct but associated provisions: First, the establishment and maintenance of 10 mining-experiment stations looking to a more effective development of the mineral resources of the country and especially of the public-land States and Alaska; and, second, the establishment and maintenance of 15 movable mine-safety stations looking to the extension and improvement of the mine-rescue and general mine-safety demonstrations or educational work now being conducted on a smaller and less effective scale by the Bureau of Mines through the agency of its mine-rescue cars.

The first of these provisions carries out in a satisfactory manner a recommendation made by me to the House Committee on Mines and Mining, January 15, last (see H. Rept. 694, May 20, 1914, p. 9) in which I advised that instead of establishing mining-experiment stations in each State, as was done in the case of agricultural-experiment stations, there should be established 10 such stations, these to be located mainly in such public-land States and Alaska as the Secretary of the Interior might find to be best suited to meet the needs of the industry and the country. My reasons for favoring

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this policy and the legislation in the form now proposed in Senate bill 5588 are set forth in my letter to the House committee referred to above.

I believe that, supplementing the general work of the Bureau of Mines, the 10 mining-experiment stations now proposed, costing $250,000, will serve the mining industry in a manner comparable with the work of the 52 agricultural experiment stations for which Congress appropriates annually $1,550,000.

The provision in this bill covering the establishment and maintenance of 15 mine-safety stations—mainly in the coal-mining States—has met with general commendation from both the miners and mine operators as the most effective agency yet tried for securing the interest and cooperation of the miners in the general mine-safety work of this department. This has proved to be the case, notwithstanding the fact that the funds at the disposal of the department during the past several years have been only such as to provide for the operation of eight existing rescue cars during about six months of each year, and with a personnel and equipment far below the requirements of efficient service.

In the hearings before the House committee on a similar bill a committee of miners, presenting this matter from their standpoint, called attention to the fact that at the slow rate of progress made by the existing mine rescue cars during the past two years a period of 12 years would be required for this work before the work as now carried on would come within reach of even the total number of coal miners. It was estimated that under the plan proposed by the bill now under consideration this 12-year period would easily be reduced to 4 years, and that in addition to this shortening of time the effectiveness of the work would be largely increased.

This bill relates to the safety and health conditions of the 2,300,000 employees in the mining, metallurgical, and other mineral industries. The majority of these do not read English; and it has been demonstrated that about the only effective means of reaching these people is through such illustrated lectures and mine-safety demonstrations given by the men accompanying these movable stations or rescue cars in the mining camps and communities in different parts of the country.

I therefore commend the provisions of this bill to the favorable consideration of Congress.

If, in the interest of economy, your committee is of the opinion that the enlargement of this work should come about more gradually, I would suggest that section 2 of the bill might be so amended as to provide for the establishment and maintenance during the fiscal year 1915 of three of the proposed mining-experiment stations and four of the proposed mine-safety stations. This would leave the additional stations to be provided for in the appropriation bills of the succeeding fiscal years.

Cordially, yours,

FRANKLIN K. LANE.

Hon. THOMAS J. WALSH,
Chairman Committee on Mines and Mining, United States Senate.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 766.

TO TRANSFER TO THE CUSTODY AND POSSESSION OF THE ATTORNEY GENERAL SEALSKINS.

AUGUST 21, 1914.—Ordered to be printed.

Mr. SIMMONS, from the Committee on Finance, submitted the following

REPORT.

[To accompany S. J. Res. 177.]

The Committee on Finance, to whom was referred the Senate joint resolution No. 177, to transfer to the custody and possession of the Attorney General sealskins, having considered the same, report thereon with a recommendation that it do pass.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 769.

PROVIDING FOR THE DISPOSAL OF THE SURPLUS UNALLOTTED LANDS WITHIN BLACKFEET INDIAN RESERVATION, MONT.

AUGUST 25, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany . 5484.

The Committee on Indian Affairs, to which was referred the bill (S. 5484) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont., begs leave to report that it has considered said bill and recommends that it be amended as follows:

1. Strike out of line 10, on page 1 of the printed bill, the word "only."

2. After the word "west," in line 12, on page 1 of the printed bill, insert the following: "after the same shall have been reappraised as provided in the act of Congress, entitled 'An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian land,' approved June 6, 1912."

3. After the word "lands," at the end of line 6, on page 2 of the printed bill, insert these words: "taken by entrymen."

4. After the word "Interior," at the end of line 12, on page 3 of the printed bill, insert these words: "who shall annually, on the first Monday of December, make report thereof to Congress, showing the amount of money expended under the provisions of this act, what proportion thereof expended for tribal herd, what proportion distributed per capita and to whom so distributed, and the amount distributed to indigent and incompetent Indians and to whom so distributed."

As so amended the committee recommends that the bill do pass.

An act was passed by Congress in the year 1907 for the opening of the Blackfeet Reservation, in the State of Montana, embracing an area of 1,491,805 acres. This reservation lies immediately to the east of the main range of the Rocky Mountains, reaching to the foothills on the west and to the international boundary line on the north. The

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act provided that allotments should first be made to the Indians, 2,623 in number, each Indian being entitled to 320 acres of land, and that when allotments had been made the remaining area should be opened to settlement by homesteaders, who, in addition to complying with the requirements of the homestead law, were obligated to pay for the benefit of the Indians the appraised price of the lands taken by them. The act referred to, with subsequent legislation, made provision for the conduct of extensive works of irrigation within the reservation, on which upward of $800,000 has been spent. Of the lands under these irrigation projects, 53,400 acres, in tracts approximating 40 acres, have been allotted to 1,335 Indians. The allotments having been made, nothing remained to be done under the act to make the unallotted lands open to appropriation except formal approval of the selections and the proclamation of the President opening the reservation. The Indians, however, have arrived at the conclusion that it would not be to their best interests that the entire reservation be opened at this time, and have asked instead that only the eastern portion thereof, an area embracing about 156,000 acres, be disposed of in accordance with the provisions of the original act. This area lies east of the range line, between ranges 7 and 8. Of the area thus to be opened, 78,000 acres are capable of irrigation by the extension of existing canals. Of these, 45,000 acres have been allotted to the Indians, leaving an available surplus of irrigable and nonirrigable lands for disposal of 111,000 acres. It is estimated that the disposal of these lands under the terms of the act will yield the Indians approximately $500,000. The remaining portion of the reservation is peculiarly adapted to cattle raising, grass growing luxuriantly even to the foot of the mountains. The area to be opened the provisions of the act is more particularly adapted to agriculture, for which the Indians have thus far shown little aptitude. It is contemplated that the money realized from the lands thus to be disposed of will be invested in cattle, to be handled upon some plan for the use of the Indians, the diminished reservation furnishing ample grazing ground for at least as many more cattle as could be provided them with the funds realized from the sale of the lands to be opened. Many of the Indians, and especially those of full blood, are now without means of subsistence, for which the speedy passage of the act is urgently recommended.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 770.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

AUGUST 25, 1914.—Ordered to be printed.

Mr. KERN, from the Committee on Privileges and Elections, submitted the following

REPORT.

[To accompany H. R. 8428.]

Your committee, to whom was referred H. R. 8428, an act to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, respectfully report the same with an amendment in the nature of a substitute, and recommend its immediate passager.

The substitute retains the same numbers for the several sections of the bill, and the changes made in the House bill are as follows:

Section 1 is modified to set forth more expressly that the term "political committee" shall include State, congressional, and all other committees appointed or selected for the purpose of influencing the result of an election. The term "election" or "elected" is also defined to include elections by primary and otherwise, as well as by final elections.

Section 3 is proposed to be changed so as to prevent any sum in excess of $10,000 being sent from one State to another State, in any congressional district, and to confine such sums to the actual expenses of campaign speakers, maintaining committee headquarters, printing and distributing literature, and restricting expenditures to $5,000 in any congressional district for any one political party, except where there is only one congressional district in a State, in which event the sum is limited to $10,000 for each political committee.

In section 10, paragraphs 4 and 5, the word "such" has been stricken out of the term "from such candidate" for the reason that the term "candidate," within the meaning of this section, is defined in the first line of section 10, and the word "such" would become ambiguous.

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The bill is further proposed to be amended to limit the expenditure for travel and subsistence, stationery and postage, etc., to $5,000, instead of being unlimited as heretofore.

Section 10 is further modified to require a copy of the statements required of a candidate to be filed locally with the clerk of the United States district court having jurisdiction of the district in which the candidate resides.

Section 11 is amended to require the forms for the statements demanded by law to be furnished by the Clerk of the House of Representatives.

Section 15 is modified to require the expenses incurred for traveling, postage, telegraph, and telephone, by any person undertaking to influence an election, to those which are incurred for himself alone, and forbids corporations making contributions to an election.

Section 19 is modified so that either House may refuse to receive a candidate who is found to be a party to a violation of the act.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 771.

REGULATION OF INTERSTATE COMMERCE AS TO PRODUCTS OF CONVICT LABOR.

AUGUST 25 (calendar day, AUGUST 29), 1914.—Ordered to be printed.

Mr. NEWLANDS, from the Committee on Interstate Commerce, submitted the following

REPORT.

[To accompany S. 2321.]

The Committee on Interstate Commerce, to which was referred the bill (S. 2321) to regulate interstate commerce in the products of convict labor, submits the following report and recommends that the said bill do pass with amendments.

The bill as amended is as follows:

A BILL To limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convict labor, or in any prison or reformatory by persons while imprisoned upon conviction of a crime, transported into any State or Territory of the United States or remaining therein for use, consumption, sale, or storage shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise: *Provided*, That this act shall not apply to eleemosynary institutions conducted for minors.

SEC. 2. This act shall take effect on the first day of July, nineteen hundred and sixteen.

All agree that prisoners should not be kept idle. It is demoralizing to them. Work keeps them in better physical and moral health, and besides, it prepares them for taking up some vocation upon retiring from the penitentiary, instead of relapsing into criminal conduct.

There are three forms of prison labor: The contract system, the State account system, and the State use system. It is urged against the contract system, that it is pursued simply with a view to profit and without regard to the improvement and development of the men, and that by putting the products of prison labor in competition with

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the products of free labor it has a tendency to lower the standard of wages to free labor.

The State account system makes the State, instead of the contractor, a producer. It has the disadvantage of involving the State in various forms of business to which it is not well adapted, and also places the products of prison labor in competition with those of free labor.

The State-use system involves the training of the convicts in numerous vocations that will fit them for the battle of life, and also compels the manufacture and production of such things as are used by the State in its various institutions. There is a wide field for training, in agriculture, and in manufactures, and a State in its various institutions ought to be able to consume all of the products of the inmates of its institutions. Such a system does not interfere with free labor. It simply has a tendency to make the State institutions self-supporting and at the same time makes them training schools for future vocations. Under the circumstances, it is the most humane and the most practicable, although it will not yield to the State as much profit as the contract system.

The purpose of this bill is not to determine in favor of any system, but to subject convict-made goods passing from State to State to the control of the laws of the State in which they are delivered. Their interstate character ceases when they are delivered to the consignee, and in his hands they become subject to the laws of the State in which he carries on business. The necessity for such legislation arises from the fact that each State endeavors to shunt the products of its convict labor upon other States, and thus fails to meet its own responsibility. The bill which the committee reports will compel each State to develop a system regarding its convict labor and to give such system the study which it deserves. Each State will be brought face to face with every problem that relates to the health, the morals, and the training of its own convicts, and will be compelled to address itself not only to the economic but also to the moral aspects of the question. The committee believes that the system which permits one State, through the national protection of interstate commerce, to shunt its responsibility upon another State is a bad one, and bases its support of this measure largely upon this ground, and upon the further ground that this legislation will secure from every State a wise and thoughtful consideration of the moral and economic aspects of the problems of convict labor.

As time will be required in order that the various States may adjust themselves to the new conditions produced by this legislation, the committee has concluded that the bill should not take effect until July 1, 1916.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 772.

IMPROVEMENT OF THE FOREIGN SERVICE.

AUGUST 25 (calendar day, SEPTEMBER 2), 1914.—Ordered to be printed.

Mr. SHIVELY, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. 5614.]

The Committee on Foreign Relations, to which was referred the bill (S. 5614) for the improvement of the foreign service, having had the same under consideration, report said bill with the recommendation that it do pass with the following amendments:

Strike out all of section 6.

Strike out all of section 7.

Your committee append the following communication from the Secretary of State:

DEPARTMENT OF STATE,
Washington, August 21, 1914.

MY DEAR SENATOR STONE: Under date of May 18 I recommended to you the passage of certain legislation dealing with reforms in the Diplomatic and Consular Services, the object of which was to obtain higher efficiency to the Government and greater service to the business interests than are obtainable at present.

The improvements which I then proposed were:

(1) The appointment by the President, with the approval of the Senate, of secretaries in the Diplomatic Service and consuls in the Consular Service to certain grades rather than to individual posts, assignments to posts and transfers from one post to another within a grade to be left to the discretion of the President. The object of this proposal was to introduce elasticity into the services so that when emergencies arose demanding at certain posts the presence temporarily of additional experienced officers the President could transfer to those posts additional secretaries or consular officers who were not so urgently needed elsewhere. The proposed legislation will also enable the President to adjust the two services to the changing conditions in our commercial relations with the other countries and to change the assignments of officers in such manner as to enable them to render a maximum of efficient service.

(2) A slight increase in the number and salaries of diplomatic and consular officers, with a total increase in the appropriation of approximately $50,000.

(3) A provision that an officer may be given special detail outside of his regular post in order that he might have an opportunity to interchange views and opinions with the business men of this country.

Great and increasing responsibilities have devolved upon the representatives of the United States abroad because the nations engaged in the present conflict in Europe have intrusted the interests of their subjects and citizens to American diplomatic and

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consular officers. In London, for instance, the American ambassador must care for the German and Austrian interests throughout the British Empire; in Berlin, our ambassador must care for French and British interests; in Vienna, French and British interests; in Paris, Austrian and German interests; in St. Petersburg, Austrian and German interests, and in addition to this some of our ministers are looking after the interests of belligerents in the countries to which they are accredited, and our consuls are representing the interests of the belligerent nations in practically all of the countries now engaged in the war.

The department has received a cable from the ambassador in London, the substance of which I should like to bring to your attention, especially in this connection, inasmuch as it presents the needs of the London embassy, which is only typical of the other American embassies in the capitals where the United States has undertaken to look after the interests of belligerents. Having in mind that after the termination of the present war there must necessarily follow several months of diplomatic settlement in which the representatives of the United States will be actively concerned because they are the unofficial representatives of the belligerents, Mr. Page asks for six additional secretaries, making a total of nine in the embassy. He asks that these should be permanent secretaries in the diplomatic service and that they should be regular additions for the year to the embassy staff. He also asks for additional clerks, messengers, etc., and concludes with the request that these additional secretaries should be sent as soon as possible, inasmuch as the volunteer staff which has been so ably assisting the ambassador during the last fortnight will soon have returned to the United States.

In the present emergency the President desires me to inform you that he earnestly hopes that the bill (S. 5614) which you were good enough to introduce in the House on May 19 last will become a law at the earliest possible moment. The President feels that the responsibilities of the American Government in its relations with the belligerent nations makes it essential that the staffs of our embassies, legations, and consulates in certain capitals should be enlarged and equipped so as to insure the highest degree of efficiency and the giving of general satisfaction not only to Americans but to those nations whose interests the United States has undertaken to represent.

Sharing the views of the President, as I do, I take pleasure in bringing this important subject to your attention in the hope that it will receive immediate consideration.

Very truly, yours,

W. J. BRYAN.

Hon. WILLIAM J. STONE,
Chairman Committee on Foreign Relations,
United States Senate.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 773.

SALE OF PORTION OF FEDERAL-BUILDING SITE AT OLDTOWN, ME.

AUGUST 25 (calendar day, SEPTEMBER 2), 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 4651.]

The Committee on Public Lands, to which was referred the bill (H. R. 4651) to authorize the Secretary of the Treasury to sell certain land to the trustees of the charity fund of Star in the East Lodge, of Oldtown, Me., having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

A full statement for the need of this legislation is contained in House Report No. 846, and is as follows:

The purpose of this bill is to authorize the Secretary of the Treasury to sell a small portion of the Federal building site at Oldtown, Me., to the trustees of the charity fund of Star in the East Lodge. The land is a small parcel of about 720 square feet, which is adjacent to the lodge property as well as the Federal building site. The lodge is anxious to build and is very much in need of the additional land, which is of no use to the Government and probably never will be.

The report of the Treasury Department on this matter is as follows:

TREASURY DEPARTMENT,
Washington, D. C., December 17, 1913.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: Referring to your request of August 7, 1913, for a report in connection with H. R. 4651, to authorize the Secretary of the Treasury to sell certain land to the trustees of the charity fund of Star in the East Lodge of Oldtown, Me., I have the honor to submit the following:

In view of the fact that the land which it is proposed to sell cost the Government at the rate of about $0.46 per foot, and the amount ($300) provided by the bill to be paid to the Government for the same would net only about $0.18 per foot, it would seem that the bill should be changed so as to provide that at least $600 shall be paid for the property.

Except in the above particular, the department has no objection to the bill being enacted into law, and, upon the completion of the legislation proposed, will take the necessary steps to transfer the property to the lodge.

Respectfully,

W. G. MCADOO, *Secretary.*

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 776.

PUBLIC BUILDING AT PRESCOTT, ARIZ.

AUGUST 25 (calendar day, SEPTEMBER 2), 1914.—Ordered to be printed.

Mr. ASHURST, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany S. 5075.]

The Committee on Public Buildings and Grounds of the Senate, to which was referred Senate bill 5075, to provide for the erection of a public building at Prescott, in the State of Arizona, having considered the same, report it favorably with the following amendment:

Line 12, after the word "of," strike out the figures "$110,000" and substitute in lieu thereof the figures "$100,000."

There is attached hereto and made a part of this report a letter from the Secretary of the Treasury under date of August 24, 1914, which shows the annual rental now paid by the United States Government for the use of buildings in the city of Prescott for governmental purposes.

The committee recommends that the bill be amended as above and that it be passed.

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, August 24, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: At the request of Senator Ashurst, I have the honor to submit the following statement of rentals, including heat, light, water, and janitor service, now being paid in Prescott, Ariz., for various branches of the public service not housed in the Federal building, as shown by the records of this department:

	Per annum.
Forest supervisor	$510
Post office	1,500
United States courts	1,800

Respectfully,

B. R. NEWTON, *Assistant Secretary.*

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 777.

AMENDMENTS TO THE FEDERAL RESERVE ACT.

AUGUST 25 (calendar day, SEPTEMBER 3), 1914.—Ordered to be printed.

Mr. OWEN, from the Committee on Banking and Currency, submitted the following

REPORT.

[To accompany S. 6439.]

The Committee on Banking and Currency, having had under consideration Senate bill 6439, "A bill to amend sections nine, eleven, thirteen, and sixteen of an act approved December twenty-third, nineteen hundred and thirteen, and known as the Federal reserve act, and for other purposes," respectfully report the same and recommend its immediate passage.

It is proposed by the amendment to section 9 to permit the Federal Reserve Board to admit State banks having a capital of not less than $15,000 organized in any place not exceeding 3,000 inhabitants, or where such capital is not less than $25,000 organized in any place the population of which does not exceed 6,000 inhabitants, or where such capital is not less than $100,000 in a city the population of which exceeds 50,000 persons on the condition that such banks increase their capital stock within 18 months to the minimum amount of capital required of national banks under section 5138 of the Revised Statutes.

It is proposed to add an additional paragraph to section 11 authorizing the Federal Reserve Board to postpone not to exceed four months the payment of subscriptions to the capital stock, and to postpone likewise the period within which the reserve requirements should be paid. These proposals are intended merely to obviate the possibility of friction in obtaining the gold necessary to make these payments to the Federal reserve banks. Third, to permit member banks to carry in the Federal reserve banks of their respective districts any portion of their reserves which they are now compelled by section 19 to hold in their own vaults. (This will give authority to the banks to make a larger deposit of reserves with the Federal reserve bank if they choose to do so.) Fourth, to permit member banks to count as part of their lawful reserve Federal reserve notes not exceeding 5 per cent of their net demand deposits. This latter

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provision would have the effect of releasing additional gold which would pass into the Federal reserve banks and become more efficient there for banking purposes.

There is a proviso, however, that this amendment to section 11 is not to be construed as extending the period of 36 months within which the transfer of reserves must be made to the reserve banks under the existing statute.

Section 13 is amended by providing that Federal reserve banks may discount domestic acceptances based upon the domestic sale or consignment of goods, and permitting national banks to make such acceptances up to one-half their capital stock and surplus, and beyond that point only by the written consent of the Federal Reserve Board.

This section is also further amended so as to permit national banks to have the extra liabilities above capital stock contemplated by such acceptances and by liabilities on account of indorsement of foreign bills of exchange and on account of two-name commercial paper indorsed by a member bank.

Section 16 is amended so as to permit bills rediscounted or purchased under section 14 to be made a basis of Federal reserve notes.

Section 16 is further amended to authorize the Secretary of the Treasury to designate the Federal reserve banks as agents of the United States and of member banks in the redemption of national-bank circulation, including the Vreeland-Aldrich notes, and to devise and put into operation a system of clearances of such notes between the Treasury, Federal reserve banks, and member banks.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 778.

STEADYING THE WORLD'S PRICES OF THE STAPLES.

AUGUST 25 (calendar day, SEPTEMBER 4, 1914).—Ordered to be printed.

Mr. FLETCHER, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. J. Res. 311.]

The Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 311) instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions, having considered the same, report thereon with a recommendation that it pass without amendment.

The report of the House committee is hereto annexed and made part of this report.

[House Report No. 1095, Sixty-third Congress, second session.]

The Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 311) instructing the American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly of the institute in 1915 certain resolutions, reports the same back to the House with the recommendation that it do pass.

The International Institute of Agriculture, having its seat at Rome, Italy, is a permanent Government institution created by treaties signed June 7, 1905, between the United States and the following powers: Italy, Montenegro, Russia, Argentine Republic, Roumania, Servia, Belgium, Salvador, Portugal, Mexico, Luxemburg, Switzerland, Persia, Japan, Ecuador, Bulgaria, Denmark, Spain, France, Sweden, The Netherlands, Greece, Uruguay, Germany, Cuba, Austria-Hungary, Norway, Egypt, Great Britain, Guatemala, Ethiopia, Nicaragua, Brazil, Costa Rica, Chile, Peru, China. Paraguay, and Turkey. Since the creation of the institute 14 other powers have become adherents, making the total number at this time 54 nations represented in the institution.

Confining its operations within an international sphere, the institute is authorized and directed, among other things, to submit to the approval of the Governments, if there be need, measures for the protection of the common interests of farmers, and it is under the subsection designated "f," article 9, of the treaty referred to that it is proposed to instruct the American delegate to offer a resolution inviting the adhering Governments to participate in an international conference on the subject of steadying the world's price of the staple agricultural products.

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If the invitation thus extended is accepted, a conference consisting of delegates or members named by each of the adhering Governments will meet in Rome to consider the advisability of formulating a convention for the establishment of a permanent international commerce commission on merchant marine and on ocean freight rates, with consultative, deliberative, and advisory powers.

The committee held hearings on the resolution, the testimony taken developing the following facts:

That of the entire ocean freight traffic, seven-ninths consist of bulk traffic, the greater proportion of which is the staples of agriculture.

That two-ninths of the total ocean freight traffic consist of package traffic, including practically all manufactured articles.

That while the freight rate on package traffic can not be changed by the carriers without giving 30 to 60 days' notice to shippers, the rate on bulk traffic may be, and in fact is, changed without notice and fluctuates hourly.

That the domestic price of the staples of agriculture is governed by the export price which fluctuates with the rise and fall of ocean freight rates on bulk traffic.

That the world's price of the staples of agriculture can not be steadied until a fixed rate can be established on bulk traffic the same as package traffic.

Independent of the abnormal conditions which now obtain, the ocean freight rates have increased within the past two years from 100 to 200 per cent and are controlled absolutely by a shipping trust which arbitrarily fixes the charge for carrying the staple commodities, and the burden of increased rates has been borne largely by the bulk traffic. The broad, international scope of the question is patent, and it is one of primary importance to every agricultural nation in the world.

The committee heard Mr. David Lubin, American delegate to the international institute, whose testimony indicates that favorable action will be taken by the adhering Governments on the resolution thus initiated by the United States.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 779.

TO AMEND SECTION 4472 OF THE REVISED STATUTES.

AUGUST 25 (calendar day, SEPTEMBER 4), 1914.—Ordered to be printed.

Mr. FLETCHER, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 14377.]

The Committee on Commerce, to whom was referred the bill (H. R. 14377) to amend section 4472 of the Revised Statutes, having considered the same, report thereon with a recommendation that it pass without amendment.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 780.

RELOCATION OF HEADQUARTERS OF CUSTOMS DISTRICT OF FLORIDA.

SEPTEMBER 5, 1914.—Ordered to be printed.

Mr. THOMAS, from the Committee on Finance, submitted the following

REPORT.

[To accompany H. R. 6433.]

In view of the fact that nearly all the revenues derived from the customs district of Florida are paid by importing establishments located in Tampa, no substantial reason is perceived for locating the headquarters of the district elsewhere.

The committee, therefore, after hearings and due consideration, favorably report the bill H. R. 6433 to the Senate, and recommend its passage by that body.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 782.

BRIDGE ACROSS PISTAKEE AND NIPPERSINK LAKES.

SEPTEMBER 5 (calendar day, SEPTEMBER 11), 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 17267.]

The Committee on Commerce, to whom was referred the bill (H. R. 17267) to authorize Frank H. Gardiner to construct a bridge across the waters of Pistakee Lake and Nippersink Lake at or near their point of intersection, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report, together with the report of the Committee on Interstate and Foreign Commerce of the House of Representatives:

[House Report No. 907, Sixty-third Congress, second session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17267) to authorize Frank A. Gardiner to construct a bridge across the waters of Pistakee Lake and Nippersink Lake at or near their point of intersection, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report:

WAR DEPARTMENT, *June 25, 1914.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that House bill 17267, Sixty-third Congress, second session, to authorize Frank A. Gardiner to construct a bridge across the waters of Pistakee Lake and Nippersink Lake at or near their point of intersection, makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

HENRY BRECKINRIDGE,
Assistant Secretary of War.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 783

RENEWAL OF LICENSES OF MARINE OFFICERS.

SEPTEMBER 5 (calendar day, SEPTEMBER 11), 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 16346.]

The Committee on Commerce, to whom was referred the bill (H. R. 16346) to amend section 4131 of the Revised Statutes of the United States of America as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of Commerce, as will appear by the following letter, which is made a part of this report, together with the report of the Committee on the Merchant Marine and Fisheries of the House of Representatives, which is made a part of this report.

[House Report No. 674, Sixty-third Congress, second session.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 16346) to amend section 4131 of the Revised Statutes of the United States of America as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses, having considered the same, report it to the House with the recommendation that the bill do pass.

The bill H. R. 15535, "A bill to amend section 4131 of the Revised Statutes of the United States of America, relating to the renewal of licenses," is the bill referred to by the Secretary of Commerce and Hon. J. L. Hunt, Acting Chief of the Bureau of Insular Affairs, War Department, in the communications printed and made a part of this report.

The bill (H. R. 16346) herewith reported differs from H. R. 15535 only in form, except that it provides that an officer making application for renewal of license shall accompany same with his certificate of citizenship, if naturalized.

The purposes sought to be accomplished by this legislation are set out in the following communications:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, April 9, 1914.

DEAR JUDGE ALEXANDER: I herewith inclose copy of memorandum received by me from Mr. Hoover, Acting Supervising Inspector General of the Steamboat-

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Inspection Service, in which he suggests that a bill be introduced the object of which is "the amendment of section 4131, Revised Statutes." I heartily approve of this suggestion and will deeply appreciate the courtesy if you will introduce, as soon as practicable, the bill as per inclosed copy.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary.*

Hon. JOSHUA W. ALEXANDER,
House of Representatives, Washington, D. C.

APRIL 6, 1914.

The SECRETARY OF COMMERCE: At the present meeting of the board of supervising inspectors the board reached the conclusion that it is desirable to amend section 4131, Revised Statutes, so as to make it easier for persons who are living outside of the United States and hold license from this service to have same renewed, and accordingly a resolution was adopted to that effect.

In order that the wishes of the board of supervising inspectors may be carried into effect you will please find inclosed herewith a bill, which it is requested you cause to be introduced in Congress, in order that the same may be enacted into law and thereby give relief to the class of persons referred to in the act.

D. N. HOOVER, Jr.,
Acting Supervising Inspector General.

WAR DEPARTMENT,
BUREAU OF INSULAR AFFAIRS,
Washington, April 25, 1914.

Hon. JOSHUA W. ALEXANDER,
Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives.

MY DEAR MR. ALEXANDER: I am informed that there is a bill pending before your committee (H. R. 15535) to amend section 4131 of the Revised Statutes relating to the renewal of licenses of marine officers so as to enable such officers engaged in service necessitating their continued absence from the United States to secure renewals of their licenses without the necessity of personally appearing before the board of local inspectors that originally issued their licenses.

Both the Philippine government and this bureau are anxious for the passage of this bill, if practicable. We have now before us a concrete case in which the law, as it stands at present, works a real hardship upon an American officer now serving in the Philippines, and no doubt other similar cases will arise with increasing frequency as our control of the islands continues. The officer in the case in question has once had his license renewed under existing law and desires to have it again renewed. If it is necessary for him to personally appear before the board of local inspectors at Philadelphia, which originally issued his license, he will be compelled to resign his present position, and in addition the expense of coming to this country and returning to the islands will be approximately $1,000.

When the existing law was enacted the United States controlled no distant dependencies and American officers served in foreign waters only on short cruises, and therefore no hardship was imposed upon them by its provisions. Now that we have the Philippines, Porto Rico, Panama, and other outlying possessions where American officers will secure employment, and where their services will be in demand, it is believed that an amendment to the law, as contemplated by the bill now pending before your committee, is amply justified. I therefore take the liberty of bringing the foregoing facts to your attention and venture to express the hope that the bill referred to will receive the favorable consideration of your committee.

Very sincerely,

I. L. HUNT,
Acting Chief of Bureau.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 784.

BRIDGE ACROSS ST. FRANCIS RIVER.

SEPTEMBER 5 (calendar day, SEPTEMBER 11), 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany H. R. 17825.]

The Committee on Commerce, to whom was referred the bill H. R. 17825, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the War Department, as will appear by the following letter, which is made a part of this report, together with the report of the Committee on Interstate and Foreign Commerce of the House of Representatives.

[House Report No. 966, Sixty-third Congress second session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17825) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near St. Francis, Ark., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

WAR DEPARTMENT, *July 13, 1914.*

1. Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, United States House of Representatives.

2. The Chief of Engineers reports that H. R. 17825, Sixty-third Congress, second session, to authorize the construction of a bridge across the St. Francis River at or near St. Francis, Ark., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

HENRY BRECKINRIDGE,
Acting Secretary of War.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 787.

USE OF WATERS STORED IN THE NORTH PLATTE RIVER, NEBR.

SEPTEMBER 5 (calendar day, SEPTEMBER 11), 1914.—Ordered to be printed.

Mr. NORRIS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. J. Res. 180.]

The Committee on Public Lands, to whom was referred the joint resolution (S. J. Res. 180) to determine the rights of the State of Nebraska and its citizens to the beneficial use of waters stored in the North Platte River by the Pathfinder Dam, after having duly considered the same, report the joint resolution back to the Senate with a recommendation that it pass.

This joint resolution authorizes the State of Nebraska, or any of its citizens directly interested, to institute an action in the district court of the United States against the Secretary of the Interior to determine the rights of Nebraska citizens to the use of the waters stored in the North Platte River by the Pathfinder Dam. This dam is located in the State of Wyoming and was constructed under the laws of the United States by the Reclamation Service for the purpose of storing waters of the North Platte River to be used in the irrigation of a reclamation project in the northwest portion of the State of Nebraska. The citizens in the State of Nebraska living along the North Platte River below the Government reclamation project claim that the Government is storing more water in the reservoir made by the construction of this dam than is necessary to irrigate the lands that can be irrigated by the project, including not only the lands immediately under the ditches constructed by the Reclamation Service but also the lands included in other irrigation projects which get their supply of water from the reservoir.

It is claimed also that during the summer season the Government does not release from said reservoir an amount of water equal to the ordinary flow of the river at that season of the year, in addition to the water released for the use of the irrigationists securing their water from the reservoir. The result of this claim, if established, is to deprive persons living lower down the stream from the use of its waters. This class of persons includes irrigationists, water-power users, and other riparian owners.

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While these contentions are at least in part disputed by the department, yet your committee believes that there is no reason why this matter should not be tested in the courts and both the fact and the law determined.

The Pathfinder Dam is one of the largest dams constructed by the Reclamation Service. It is 218 feet high, with a length of 432 feet, and contains over 60,000 cubic yards of material. The waters which it stores cover an area of over 21,000 acres, and it has a capacity of more than 1,000,000 acre-feet. The irrigable area under this project is 129,270 acres, of which 107,521 acres are located in the State of Nebraska and 21,749 acres are located in the State of Wyoming. From the waters stored in this reservoir the Reclamation Service not only supplies the ditches which water the lands that were placed under irrigation by the Reclamation Service but it sells water also to several irrigation companies and private parties who had constructed ditches prior to the building of the dam by the Government. All of the lands, however, irrigated by these private ditches are included in the acreage above given as subject to irrigation from the waters stored in the reservoir.

The maximum amount of water required for irrigating reclaimed lands under this project is 250,000 acre-feet. The amount of water sold to other irrigationists is 150,000 feet, making a total requirement of 400,000 acre-feet. The minimum flow of the river at the Pathfinder intake exceeds 800,000 acre-feet. The maximum flow at this point exceeds 2,000,000 acre-feet. In 1914, up to July 18, there was actually impounded in this reservoir 979,770 acre-feet. This makes a surplus of water impounded on that date of 579,770 acre-feet. This was not the maximum amount of water stored at any one time during the year. On June 25 there was actually impounded in this reservoir 1,093,280 acre-feet, thus showing that at that date there was impounded water in excess of the given capacity of the reservoir. We think it must be conceded that the Government has a right to impound only the unused, unappropriated waters of that watershed, for a beneficial use only, and it ought not impound anything in excess of such use if such impounding interferes with other rights.

Since the construction of the dam there has always been stored of the early flood waters of the stream a much larger quantity of water than has been or can be used for irrigation purposes by those entitled to the use of the stored waters. The result is that during the midsummer months of the irrigation season the North Platte River is entirely dry below these various irrigation projects. In the fall of the year, after the irrigation season is over, the gates of the dam are opened and the water is let out from the reservoir, so that the river is flowing bank full at a time when there is no particular use for the water. It seems to your committee that some plan ought to be devised by which these stored waters should be released at a time in the year when they can be of some beneficial use. It is claimed by those living lower down the stream that the Government has no right to store this vast quantity of water when it can be of no possible benefit to the irrigationists, and thus deprive those who live lower down the stream of the right to the use and benefit of these waters.

We believe there are at least two questions involved in the proposition that ought to be determined by the court: First, has the Reclamation Service the right, by storing the waters of the river, to prevent

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the ordinary and usual flow of the stream through the lands of those who live below the irrigation project? and, second, the Government having stored more flood waters of the river than it can put to beneficial use, and said stored waters belonging to the public, is it not the duty of the Government to release such stored waters at a time when they will do the public the most good? It would seem a matter of equality and fairness that if the Government stores more water than can be used it ought to release it at a season of the year when it will be put to beneficial use by those who live farther down the stream. Your committee can see no reason why permission should not be given to begin the proper action for the settlement of these disputed propositions.

The resolution was referred to the Secretary of the Interior, and he reported unfavorably thereon. His letter is appended to this report and made a part thereof. We think that the Secretary of the Interior is in error when he says that the water users under the reclamation project ought to be made parties to this suit and that on account of the necessity of making them parties the litigation would be burdensome and expensive. Inasmuch as there is practically no dispute that there is sufficient water to supply all of those entitled to water from the reservoir, and also to permit the ordinary flow of the stream during the summer season for the use of those people located below the irrigation project, there can be no reason why the water users should be made a party to such litigation. We think, too, that in an action against the Secretary of the Interior he would have ample opportunity to protect the rights of all the irrigationists getting water from the reservoir, and all the questions involved could be raised there and determined by such an action without making it necessary to make the water users parties thereto.

It is only claimed that the Secretary of the Interior, through the Reclamation Service, is storing more water than is necessary to supply these people, and that he is not releasing enough water from the reservoir during the summer season to maintain the full flow of the stream. It is claimed, and of this we think there is no doubt, that the capacity of the reservoir is sufficient and the amount of flood waters is also sufficient so that enough water can be stored to supply all the irrigationists entitled to water and in addition thereto enough water be released from the reservoir during the summer months to maintain the full flow of the stream. At least this is one of the considerations that can be litigated if such action is permitted, and if the claims of those who desire such action to be brought are established your committee can see no injury or damage that could possibly happen to the Reclamation Service or to any of the irrigationists under the reclamation project.

The letter of the Secretary of the Interior above referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, August 27, 1914.

MY DEAR SENATOR: I have your request of August 18, 1914, for information as to the law and the facts in reference to Senate joint resolution 180 and for suggestions in regard thereto.

The Pathfinder Dam was completed in June, 1909. It was built to impound and store in the Pathfinder Reservoir, Wyo., flood and unappropriated waters to be used for irrigation during the irrigation season upon lands in Wyoming and Nebraska,

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and especially upon lands under the United States reclamation projects of the two States. Streams of Colorado and Wyoming supply the water thus stored.

The cost of building the dam and reservoir site is to be apportioned among the users of the stored waters and so far as practicable to make the users thereof pay in proportion to the quantity of water used by them. Certain lands are under liens to secure their proportion of this cost, while other lands are being supplied with water on a rental basis, the rental being fixed at such rate as is thought necessary to secure the payment of a proper proportion of the water thus used.

While it is anticipated that some difficulty may arise in delivering stored water released from the reservoir to lands of those in Nebraska who have entered into contracts with the Government for water, due to other water users claiming that such water is part of the normal season flow, it is very doubtful if much would be gained at this time by the institution of the proceedings referred to in the resolution. Practically all of the difficulties thus far have been adjusted by contract, and if left undisturbed by suit or action it is very probable that in the near future all conflicting interests will be thus adjusted, except such special instances as may necessitate a legal determination by a suit for and on behalf of the water users instituted in the usual way by the Government, or a suit brought in the usual manner against officials of the United States by those who may have interests in conflict with the rights claimed by the United States for and on behalf of the settlers and those using water from the Pathfinder Dam as above mentioned.

It would seem, therefore, that the institution of proceedings in the manner suggested in the resolution would unnecessarily and injuriously disturb conditions in the States affected without corresponding benefit.

But if a suit or action should be authorized by such resolution, it would seem advisable that the resolution should include all claiming rights in the stream to be affected by such proceeding, as they should each be made parties to the proceeding in order that all rights might be properly adjusted in such proceeding. The reasons therefor may be found in the decision of the Supreme Court of the United States in the case of Kansas *v.* Colorado (206 U. S., 46, 97). On this feature the court observed:

"One cardinal rule underlying all the relations of the States to each other is that of quality of right. Each State stands on the same level with all the rest. It can impose its own legislation on no one of the others, and is bound to yield its own views to none. Yet whenever, as in the case of Missouri *v.* Illinois (180 U. S., 208), the action of one State reaches through the agency of natural laws into the territory of another State, the question of the extent and the limitations of the rights of the two States becomes a matter of justiciable dispute between them, and this court is called upon to settle that dispute in such a way as will recognize the equal rights of both and at the same time establish justice between them. In other words, through these successive disputes and decisions this court is practically building up what may not improperly be called interstate common law."

From the foregoing it will be readily seen that the institution of a suit to be of material effect would involve more than the two States mentioned in the resolution, as well as thousands of water users therein. The expense thereof not only to the States involved but to the individual water users would be enormous.

In this connection the burden which would by the proposed congressional action be thrust upon the individual water users should not be overlooked, and if such suits are to be authorized I would recommend that some provision be made by law for the payment of expenses of such litigation, thereby relieving the many water users from a burden which would be imposed by the joint resolution mentioned.

Cordially, yours,

FRANKLIN K. LANE.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 788.

LANDS FOR A MILITARY PARK RESERVATION IN TENNESSEE.

SEPTEMBER 16, 1914.—Ordered to be printed.

Mr. LEA of Tennessee, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 6384.]

The Committee on Military Affairs, to which was referred the bill (S. 6384) authorizing the United States of America to accept certain lands in Tennessee for a military park reservation, and for other purposes, having carefully considered the same, reports it with the recommendation that it do pass.

Situated in the middle Tennessee Basin in close proximity are five points of great historic interest and significance, each rich in the memories of deeds of heroism and valor that are the common heritage of the people of all sections of this united country.

Four and three-quarter miles north of Nashville is the national cemetery, of 65 acres, in which the thousands of gallant soldiers who followed Grant, Thomas, and Rosecrans in the Army of Tennessee sleep their last sleep. This army captured Nashville, established lines of communication and transportation with the North on the Cumberland River, and made from Nashville as a base the campaign into the middle South, as the Army of the Potomac did in Virginia from Washington as its base.

This beautiful tract of land, where are buried more soldiers than in any other national cemetery except Vicksburg, contains the graves of 11,980 known dead and the graves of 4,711 nameless heroes.

It is, of course, now owned and maintained by the Federal Government.

In an easterly direction from the national cemetery, about 6 miles distant in an air line, lies the "Hermitage," the home of Andrew Jackson, the seventh President of the United States and the hero of New Orleans.

This property contains approximately 300 acres, and is now owned by the State of Tennessee. The house, a typical colonial mansion,

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has been restored and is maintained in the same condition as it was in the life of "Old Hickory." Near it, within a few hundred feet of the front door, is a simple monument which marks the last resting place of Andrew Jackson and his beloved wife. It is not only a monument to Jackson, but a monument to his simple Americanism, for he selected it shortly before his death, refusing the sarcophagus offered him by Commodore J. D. Elliott.

Nearly all of the furniture and household effects used by Gen. and Mrs. Jackson in his lifetime have been collected and purchased by the Ladies' Hermitage Association, which takes care of the "Hermitage" under the supervision and control of the State.

From the "Hermitage" in a southwesterly direction lies the eastern line of the great battle field of Nashville.

Here in December, 1864, was fought the Battle of Nashville, between the Federal Army commanded by Gen. Thomas and the Confederate forces under Gen. Hood. Had the southern army recaptured Nashville, the war would at least have been of longer duration. Sherman's march to the sea would have been halted, and Hood's definite plan to recapture Nashville and establish a new base of supplies, and then to march to Richmond, Ky., recruiting fresh troops from what had been the loyal sections of those two States, but then greatly dissatisfied with the Union, would have been successful. It is even possible that Hood's ultimate project of intercepting Sherman before he could threaten Gen. Lee's rear guard or furnishing Gen. Lee with reinforcements with which to withstand the bulldog attacks of Gen. Grant, would have been successful.

It is not proposed that all of the battle field is to be given to the Federal Government, but only the extreme eastern part of it, the farthest distant from the Middle Franklin Road and Glendale Park. It is believed that a magnificent tract of not less than 500 acres, where the left wing of the Federal Army under Gen. Wood won the battle of Nashville by crushing the right flank of Hood's army under Gen. Stephen D. Lee, can be acquired by the State and donated to the United States.

Farther south from the battle field of Nashville is the battle field of Stones River, or Murfreesboro, fought on December 31, 1862, and January 2, 1863. Here the Federal forces under Gen. Rosecrans met in an indecisive battle, but one of far-reaching consequences, the Confederate Army under Gen. Bragg. Had Bragg been entirely successful the subsequent fight at Chickamauga would have taken place in middle Tennessee, with the Federal Army on the defensive. This bloody struggle, in which nearly one-fourth of each army was left killed or wounded, is commemorated only by a small national cemetery of 20 acres, in which the Federal dead lie buried adjacent to the battle field and which would be a part of the proposed park.

It is believed that if this bill passes, the magnificent body of land on which the battle was fought, admirably adapted to park purposes, would be acquired and donated to the Federal Government.

In a westerly direction from the battle field of Stones River is the historic battle field of Franklin, where was fought one of the bloodiest battles of the war, marked by as great heroism and deeds of daring as any other engagement during that period In an almost hand-to-hand struggle Franklin, held by the Federals, was taken by the forces of Gen. Pat Cleburne as he fell on the breastworks before Franklin, on

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November 30, 1863, and the way to Nashville for Hood's army was open.

If this bill passes and the conveyances of the lands enumerated be made as contemplated, it will be a rare opportunity for the Government to acquire by gift magnificent tracts of land suited for park purposes, interwoven with great deeds and achievements and consecrated with the blood of American heroes.

In the event the bill passes and the tracts of land upon which these battles were fought are not donated to the Government, no responsibility or liability is incurred by the United States.

In the event the bill is enacted into law and the donations are made, the Government will acquire most valuable properties, and its only obligation will be to maintain them as military parks and to connect them by post roads.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 790.

LEASING OF COAL LANDS IN ALASKA.

SEPTEMBER 16, 1914.—Ordered to be printed.

Mr. PITTMAN, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 14233.]

The Committee on Public Lands, to which was referred the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior be, and hereby is, authorized and directed to survey the lands of the United States in the Territory of Alaska known to be valuable for their deposits of coal, preference to be given first in favor of surveying lands within those areas commonly known as the Bering River and Matanuska coal fields, and thereafter to such areas or coal fields as lie tributary to established settlements or existing or proposed rail or water transportation lines: *Provided*, That such surveys shall be executed in accordance with existing laws and rules and regulations governing the survey of public lands.

SEC. 2. That after the execution of the surveys provided for in this act the President of the United States shall designate and reserve from use, location, sale, lease, or disposition not exceeding five thousand one hundred and twenty acres of coal-bearing land in the Bering River field and not exceeding seven thousand six hundred and eighty acres of coal-bearing land in the Matanuska field: *Provided*, That the coal deposits in such reserved areas may be mined under the direction of the President when, in his opinion, the mining of such coal in such reserved areas, under the direction of the President, becomes necessary, by reason of an insufficient supply of coal at a reasonable price for the requirements of Government works, construction and operation of Government railroads, for the Navy, for national protection, and for relief from oppressive conditions.

SEC. 3. That the unreserved coal lands shall be divided by the Secretary of the Interior into leasing blocks or tracts of forty acres each, or multiples thereof, and in such form as in the opinion of the Secretary will permit the most economical mining of the coal in such blocks, but in no case exceeding two thousand five hundred and sixty acres in any one leasing block or tract; and thereafter, subject to any prior valid existing rights, which said rights may be perfected under the laws in force at the time the same were initiated, the Secretary shall offer such blocks or tracts and the coal, lignite, and associated minerals therein for leasing, and shall award leases thereof through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, to any person above the age of twenty-one years who is a

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citizen of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States or of any State or Territory thereof: *Provided*, That no more than one of said blocks shall be included in any lease: *And provided further*, That no railroad or common carrier shall be permitted to take or acquire through lease or permit under this act any coal or coal lands in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder: *And provided further*, That any person, association, or corporation qualified to become a lessee under this act and owning any pending claim under the public-land laws to any coal lands in Alaska may, within one year from the passage of this act, enter into an arrangement with the Secretary of the Interior by which such claim shall be fully relinquished to the United States; and if, in the judgment of the Secretary of the Interior, the circumstances connected with such claim justify so doing, the moneys paid by the claimant or claimants to the United States on account of such claim may, by direction of the Secretary of the Interior, be returned and paid over to such person, association, or corporation as a consideration for such relinquishment, or in lieu of such repayment the Secretary of the Interior may execute and deliver to said person, association, or corporation, in preference to any other lessee, a lease under this act of the land so claimed or any part thereof within the limitations of area and location fixed by section two hereof, and the said moneys may be credited upon the royalties to become due under such lease: *Provided*, That if the land so claimed be within a reservation made in pursuance of section seven of this act other coal lands in Alaska of substantially equal value may be substituted in said lease for the lands so relinquished.

SEC. 4. That a person, association, or corporation holding a lease of coal lands under this act may, with the approval of the Secretary of the Interior and through the same procedure and upon the same terms and conditions as in the case of an original lease under this act, secure a further or new lease covering additional lands contiguous to those embraced in the original lease, but in no event shall the total area embraced in such original and new leases exceed in the aggregate two thousand five hundred and sixty acres.

SEC. 5. That, subject to the approval of the Secretary of the Interior, lessees holding under leases small blocks or areas may consolidate their said leases or holdings so as to include in a single holding not to exceed two thousand five hundred and sixty acres of contiguous lands.

SEC. 6. That each lease shall be for such block or tract of land as may be applied for, not exceeding in area two thousand five hundred and sixty acres of land, to be described by the subdivisions of the survey, and no person, association, or corporation, except as hereinafter provided, shall be permitted to take or hold any interest as a stockholder or otherwise in more than one such lease under this act, and any interest held in violation of this proviso shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for one year, and not longer, after its acquisition.

SEC. 7. That any person who shall purchase, acquire, or hold any interest in two or more such leases, and any person who shall knowingly sell or transfer to one disqualified to purchase, or, except as in this act specifically provided, acquire any such interest, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $1,000. For all the purposes of this act stock in a corporation owning or holding such a lease shall be deemed an interest in the same.

SEC. 8. That any director, trustee, officer, or agent of any corporation holding any interest in such a lease who shall, on behalf of such corporation, act in the purchase of any interest in another lease, or who shall knowingly act on behalf of such corporation in the sale or transfer of any such interest in any lease held by such corporation to any corporation or individual holding any interest in any such a lease, except as herein provided, shall be guilty of a felony and shall be subject to imprisonment for a term of not exceeding three years and a fine of not exceeding $1,000.

SEC. 9. That for the privilege of mining and extracting and disposing of the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall not be less than 2 cents nor more than 5 cents per ton, due and payable at the end of each month succeeding that of the shipment of the coal from the mine, and an annual rental, payable at the beginning of each year, on the lands covered by such lease, at the rate of 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, and $1 per acre for each and every year thereafter during the continuance of the lease, except

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that such rental for any year shall be credited against the royalties as they accrue for that year. Leases may be for periods of not more than fifty years each, subject to renewal, on such terms and conditions as may be authorized by law at the time of such renewal.

SEC. 10. That in order to provide for the supply of strictly local and domestic needs for fuel the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified under section three of this Act a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging to the United States on specified tracts not to exceed ten acres to any one person or association of persons in any one coal field for a period of not exceeding ten years, on such conditions not inconsistent with this act as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition, holding, or operating under the limited license in this section permitted. And the holding of such a license shall be no bar to the acquisition or holding of such a lease or interest therein.

SEC. 11. That any lease, entry, location, occupation, or use permitted under this act shall reserve to the Government of the United States the right to grant or use such easements in, over, through, or upon the land leased, entered, located, occupied, or used as may be necessary or appropriate to the working of the same or other coal lands by or under authority of the Government and for other purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted in so far as said surface is not necessary for use by the lessee in extracting and removing the deposits of coal therein. If such reservation is made, it shall be so determined before the offering of such lease.

That the said Secretary during the life of the lease is authorized to issue such permits for easements herein provided to be reserved, and to permit the use of such other public lands in the Territory of Alaska as may be necessary for the construction and maintenance of coal washeries or other works incident to the mining or treatment of coal, which lands may be occupied and used jointly or severally by lessees or permittees as may be determined by said Secretary.

SEC. 12. That no lease issued under authority of this act shall be assigned except with the consent of the Secretary of the Interior. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed shall be observed, and such other provisions as are needed for the protection of the interests of the United States.

SEC. 13. That the possession of any lessee of the land or coal deposits leased under this act for all purposes involving adverse claims to the leased property shall be deemed the possession of the United States, and for such purposes the lessee shall occupy the same relation to the property leased as if operated directly by the United States.

SEC. 14. That any such lease may be forfeited and canceled by appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any provision of the lease or of general regulations promulgated under this act; and the lease may provide for the enforcement of other appropriate remedies for breach of specified conditions thereof.

SEC. 15. That the jurisdiction of the district court of Alaska shall extend to and over any forfeiture or cancellation proceedings instituted under the provisions of section nine of this act and to any and all controversies which may arise between the United States and any lessee or other person, association, or corporation growing out of any disputed controversies or proceedings arising under this act or under leases issued hereunder. All causes against the United States brought under the provisions of this act shall be tried in the same manner and under the same rules as controversies between citizens.

SEC. 16. That all statements, representations, or reports required, unless otherwise specified, by the Secretary of the Interior under this act shall be upon oath and in such form and upon such blanks as the Secretary of the Interior may require, and any person making false oath, representation, or report shall be subject to punishment as for perjury.

SEC. 17. That the Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

SEC. 18. That all acts and parts of acts in conflict herewith are hereby repealed.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 791.

EXTENSION OF LINES OF WASHINGTON RAILWAY & ELECTRIC CO.

SEPTEMBER 16, 1914.—Ordered to be printed.

Mr. KERN, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 4274.]

The Committee on the District of Columbia, to whom was referred the bill (S. 4274) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes, having considered the same, beg leave to report the bill back with the recommendation that it be amended as follows:

In line 10, on page 1, after the word "system," strike out the period and add the following:

and may cross the tracks of the Baltimore and Ohio Railroad on grade, on condition only that before any of the cars of the said Washington Railway and Electric Company shall cross such tracks said last-named company shall, at its own expense, install at such crossing an automatic safety device of such style and pattern as will make travel over said crossing safe, and which, before being operated, shall be inspected and approved by the Commissioners of the District of Columbia.

Also, in line 2, on page 2, after the word "authorized," insert the words "and directed."

And that when so amended the bill be passed.

The bill proposes to extend the tracks of the Washington Railway & Electric Co. from Nichols Avenue to Fourth Street, a distance of about 6,000 feet. The object of the bill is to provide a means of egress and ingress to the plant of the Washington Steel & Ordnance Co. This company employs in the neighborbood of 600 hands, who are without practical means of getting to and from their work. Their present method is by means of a ferry which runs from Seventh and N Streets SW. to Giesboro Point, which is operated solely for the accommodation of the men and at a loss to the company. This method is utterly useless in the winter, when the river is frozen over and ice blocks navigation. For example, this past winter the ferry was out of commission for practically one week continuously in January and at other times as well. The route of the proposed extension

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will pass through an undeveloped section of the District of Columbia. It will enable the men employed at the plant of the Washington Steel & Ordnance Co. to ride to and from their work from any part of the District of Columbia along the tracks of the Washington Railway & Electric Co. for one fare. Under the present arrangement the men are compelled to pay a 5-cent ferry fare in addition to their regular car fares. In case they should want to walk from Congress Heights to the steel plant at present, the distance is about 1¾ miles, over a private right of way. There is no public road leading to the steel plant, although said company pays about $10,000 in taxes annually.

The first amendment is thought necessary for the following reasons: At the time of the passage of the Union Station act, which eliminates grade crossings in the District of Columbia, the Anacostia branch of the Baltimore & Ohio Railroad, which is the track the electric road would have to cross, was the one over which all Baltimore & Ohio southern freight was shipped. The cars were taken to the water front below Giesboro Point, loaded onto boats and ferried to Alexandria. Since then, however, the highway bridge has been built and all railroads use the long bridge for their freight and passenger traffic going and coming from the south. The Anacostia branch of the Baltimore & Ohio consequently is to-day nothing but a switch, one engine a day pulling into the yards of the Washington Steel & Ordnance Co. Under the circumstances your committee thinks it would be wise to relieve the District of Columbia and the railroad company of the very considerable expense which would be necessary in order to build a viaduct which it is estimated would cost about $25,000, particularly in view of the fact that there would be no traffic beyond the switch crossing except that of the steel company.

The bill also provides for the opening up of Portland Street by the usual condemnation proceedings. The entire route would have been dedicated for street purposes were it not for the fact that two small parcels belong to an estate the executors of which have no power to dedicate ground belonging thereto for any purpose.

The bill has the approval of the Commissioners of the District of Columbia and the corporation counsel, and at the public hearings which were held by the commissioners upon the proposition to open up Portland Street no objections were interposed. A similar bill has recently been reported by the House District Committee (Report No. 1117).

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 792.

ROCKY MOUNTAIN NATIONAL PARK, COLO.

SEPTEMBER 16, 1914.—Ordered to be printed.

Mr. THOMAS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6309.]

The Committee on Public Lands, to which was referred the bill (S. 6309) to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes, having had the same under consideration, beg leave to report it back to the Senate with the following amendments:

Page 1, line 5, after the word "to wit," strike out the balance of the page, also pages 2, 3, 4, 5, 6, 7, 8, and down to and including the word "Colorado," in line 10, page 9, and insert in lieu thereof the following:

Beginning at the southeast corner of section thirty-four, township three north, range seventy-three west of the sixth principal meridian, Colorado, thence north along the section lines to the northeast corner of section three, said township; thence west to the northwest corner of said section; thence north along the section lines to the northeast corner of section sixteen, township four north, range seventy-three west; thence west to the northwest corner of said section; thence north to the northeast corner of section eight, said township; thence west along the section lines to the northwest corner of section seven, said township; thence north to the northeast corner of township four north, range seventy-four west; thence west along the first correction line north to the southeast corner of section thirty-six, township five north, range seventy-four west; thence north along the range line to the northeast corner of the southeast quarter of the southeast quarter of section thirteen, said township; thence west to the northwest corner of the southeast quarter of the southeast quarter of section fourteen, said township; thence north to the northwest corner of the northeast quarter of the southeast quarter of section eleven, said township; thence east to the northeast corner of the northeast quarter of the southeast quarter of section twelve, said township; thence south along the range line to the southeast corner of said section; thence east along the section lines to the southeast corner of the southwest quarter of section ten, township five north, range seventy-three west; thence north to the northeast corner of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of said section; thence north to the northeast corner of said section; thence east to the southeast corner of the southwest quarter of the southwest quarter of section two, said township; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of the southwest quarter, said section; thence north to the

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northeast corner of the northeast quarter of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of section one, said township; thence north along the range line to the northeast corner of section thirty-six, township seven north, range seventy-three west; thence west along the section lines to the intersection with the west bank of the Big South Cache la Poudre River, in township seven north, range seventy-five west; thence southeasterly along the west bank of said river to the mouth of a tributary of said river, probably in section one, township six north, range seventy-five west, said tributary heading at La Poudre Pass, in section twenty, township six north, range seventy-five west; thence southwesterly along the west bank of said tributary to its head; thence across the continental divide to the headwaters of the North Fork of the Grand River, which also heads at La Poudre Pass; thence down the west bank of the North Fork of the Grand River to its intersection with the section line between sections twenty-nine and thirty, township six north, range seventy-five west; thence south along the section lines to the southeast corner of section eighteen, township five north, range seventy-five west; thence west along the section line to its intersection with the west bank of the North Fork of the Grand River; thence down the west bank of the North Fork of the Grand River to its intersection with the section line between sections twenty-five and thirty-six, township four north, range seventy-six west; thence east to the northeast corner of section thirty-six, said township; thence south along the range line to the southeast corner of said township; thence east along the township line to the northeast corner of the northwest quarter of section four, township three north, range seventy-five west; thence south to the southwest corner of the northeast quarter of section nine, said township; thence west along the quarter section line to its intersection with a creek in section seven, said township, this creek being an outlet of Grand Lake, and flowing into the North Fork of the Grand River; thence southerly along the said creek to its junction with the North Fork of the Grand River; thence southerly along the west bank of the North Fork of the Grand River to its intersection with the township line between townships two and three north; thence east along the township line to the southeast corner of section thirty-four, township three north, range seventy-three west of the sixth principal meridian, Colorado, the place of beginning: *Provided*, That the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project.

Page 10, line 5, after the word "such," strike out the words "private claims or."

As thus amended the committee recommend that the bill do pass.

The bill was referred to the Interior Department, and the Secretary of that Department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, September 4, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: Your letter of August 19, 1914, has been received, inclosing, with request for report thereon, Senate bill 6309, entitled "A bill to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes."

In response thereto I have to state that upon examination of the bill it appears that it embraces among other lands all of sections 6, 7, and 18 of township 5 north, range 75 west, and sections 30 and 31 of township 6 north, range 75 west, east of the North Fork of the Grand River, which embraces the town site of Lulu, patented July 25, 1892, the group of pending land entries and two groups of mineral claims, such area amounting to approximately 1,845 acres.

For administrative reasons it is desirable that the lands above described be not included within the metes and bounds of the park. I accordingly recommend the elimination thereof. The description of the lands proposed to be set aside for park purposes, as given in the bill, is unnecessarily long and somewhat confusing, and I have accordingly prepared an amended description more clearly defining the area proposed to be included in the park, and have not included therein the lands in townships 5 and 6, above mentioned, which I recommend be eliminated from the proposed park.

I have therefore to suggest that all that follows after the words "to wit" in line 5, page 1, of the bill be struck out; that all of pages 2, 3, 4, 5, 6, 7, 8, to and including the word "Colorado" in line 10, on page 9, be eliminated from the bill and in lieu thereof there be substituted the description embodied in the paper hereto attached,

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marked, "Proposed Rocky Mountain Park, Colo." At the end of this description there has been added the following, to wit: "*Provided*, That the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project." This proviso is necessary and desirable in order to protect the proposed Grand River reclamation project for which the lands in township 3 north, range 75 west, were withdrawn June 8, 1904, under the act of June 17, 1902. (32 Stat., 388.)

The area of the proposed park as described in the amendment herein suggested is approximately 229,062 acres, of which 2,340 acres are patented lands, 1,220 acres are covered by State land, school and approved selections, and 185 acres are pending entries.

Sections 2 and 4 of the bill embrace provisions which have been employed in other acts creating national parks, and I see no objections thereto. Section 3 provides generally for the surrender of private holdings in the park and the granting in lieu thereof, on a basis of equal value, lands from the public domain or with the approval of the Secretary of Agriculture lands within the national forest, etc.

There is but one park under the supervision of the Secretary of the Interior in which Congress has authorized the granting of lands outside of the park for patented lands within the park; that is in the Wind Cave National Park, created by the act of January 9, 1903 (32 Stat., 765).

The Secretary of Agriculture is materially interested in the legislation proposed in this section, and I have to suggest that the bill be referred to him for an expression of his views in the premises.

Other than above stated, I have no objections to interpose to the bill. There is herewith transmitted copy of reports from the Commissioner of the General Land Office, to whom the bill was referred, together with a copy of the map showing the boundary of the proposed park, together with the patented lands and pending entries, etc., embraced therein.

Cordially yours,

FRANKLIN K. LANE.

PROPOSED ROCKY MOUNTAIN NATIONAL PARK, COLO.

Beginning at the southeast corner of section thirty-four, township three north, range seventy-three west of the sixth principal meridian, Colorado; thence north along the section lines to the northeast corner of section three, said township; thence west to the northwest corner of said section; thence north along the section lines to the northeast corner of section sixteen, township four north, range seventy-three west; thence west to the northwest corner of said section; thence north to the northeast corner of section eight, said township; thence west along the section lines to the northwest corner of section seven, said township; thence north to the northeast corner of township four north, range seventy-four west; thence west along the first correction line north, to the southeast corner of section thirty-six, township five north, range seventy-four west; thence north along the range line to the northeast corner of the southeast quarter of the southeast quarter of section thirteen, said township; thence west to the northwest corner of the southeast quarter of the southeast quarter of section fourteen, said township; thence north to the northwest corner of the northeast quarter of the southeast quarter of section eleven, said township; thence east to the northeast corner of the northeast quarter of the southeast quarter of section twelve, said township; thence south along the range line to the southeast corner of said section; thence east along the section lines to the southeast corner of the southwest quarter of section ten, township five north, range seventy-three west; thence north to the northeast corner of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of said section; thence north to the northeast corner of said section; thence east to the southeast corner of the southwest quarter of the southwest quarter of section two, said township; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of the southwest quarter, said section; thence north to the northeast corner of the northeast quarter of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of section one, said township; thence north along the range line to the northeast corner of section thirty-six, township seven north, range seventy-three west; thence west along the section lines to the intersection with the west bank of the Big South Cache la Poudre River in township seven north, range seventy-five west; thence southeasterly along the west bank of said river to the mouth of a tributary of said river, probably in section one, township six north, range

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seventy-five west, said tributary heading at La Poudre Pass in section twenty, township six north, range seventy-five west; thence southwesterly along the west bank of said tributary to its head; thence across the Continental Divide to the headwaters of the North Fork of the Grand River, which also heads at La Poudre Pass; thence down the west bank of the North Fork of the Grand River to its intersection with the section line between sections twenty-nine and thirty, township six north, range seventy-five west; thence south along the section line to the southeast corner of section eighteen, township five north, range seventy-five west; thence west along the section line to its intersection with the west bank of the North Fork of the Grand River; thence down the west bank of the North Fork of the Grand River to its intersection with the section line between sections twenty-five and thirty-six, township four north, range seventy-six west; thence east to the northeast corner of section thirty-six, said township; thence south along the range line to the southeast corner of said township; thence east along the township line to the northeast corner of the northwest quarter of section four, township three north, range seventy-five west; thence south to the southwest corner of the northeast quarter of section nine, said township; thence west along the quarter-section line to its intersection with a creek in section seven, said township, this creek being an outlet of Grand Lake and flowing into the North Fork of the Grand River; thence southerly along the said creek to its junction with the North Fork of the Grand River; thence southerly along the west bank of the North Fork of the Grand River to its intersection with the township line between townships two and three north; thence east along the township line to the southeast corner of section thirty-four, township three north, range seventy-three west of the sixth principal meridian, Colorado, the place of beginning: *Provided*, That the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, August 28, 1914.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have the honor to submit herewith, in accordance with departmental instructions of August 20, a map prepared by this office of the proposed Rocky Mountain National Park, Colo., as described in S. 6309, upon which all patented and State lands and pending entries of record therein have been indicated in color, and the portion thereof within the boundaries of the Arapahoe and Colorado National Forests.

The area of the proposed park as described in the former bill, S. 6007, was approximately 242,800 acres, while that within its exterior limits, as defined by the present bill, is approximately 230,907 acres, all but 11,200 acres of which area is surveyed. The acreage thereof within appropriations of record in this office is as follows: Patented land, 2,559 acres; State land, school, and approved selections, 1,220 acres; and pending entries, 340 acres; making a total of 4,119 acres. Certain of the lands therein are subject to approved rights of way for ditches, etc., under act of March 3, 1891 (26 Stat., 1095), and of railroads, under act of March 3, 1875 (18 Stat., 482). The proposed park is not within the primary limits of a railroad grant.

With the exception of 3,082 acres in township 5 north, range 73 west, townships 3 and 4 north, ranges 75 west, townships 4 and 5 north, range 76 west, the proposed park is within the Arapahoe and Colorado National Forests, as indicated upon the accompanying map. The lands in township 3 north, range 75 west, are also covered by withdrawal of June 8, 1904, under act of June 17, 1902 (32 Stat., 388), for the proposed Grand River project, and 843 acres of the area within said national forests are embraced in withdrawals for ranger station purposes.

I submit herewith an amended description of the proposed park, which completely and definitely describes the boundary of the areas proposed to be included within the park, and I respectfully recommend that this description be substituted for the one embodied in Senate bill 6309.

The copy of S. 6309 inclosed is herein returned.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

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DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, September 2, 1914.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have the honor to advise that, in accordance with suggestion of Senator Thomas, of Colorado, the boundary of the Rocky Mountain National Park, Colo., reported on by this office under date of August 28, 1914, has been changed, as shown on the map and revised description sent herewith.

This change eliminates all of sections 6, 7, and 18 of township 5 north, range 75 west, and sections 30 and 31 of township 6 north, range 75 west, east of the North Fork of the Grand River, which embraces the town site of Lulu, a group of pending entries, and two groups of mineral claims, said eliminated area amounting to approximately 1,845 acres, making the park now contain approximately 229,062 acres, all but 11,200 acres of which area is surveyed. Of the total acreage in the park, 2,340 acres are patented land, 1,200 acres are covered by State land, school, and approved selections, and 185 acres embraced in pending entries.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

The Department of Agriculture having submitted a report on Senate bill 6007, "To establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes," a bill identical with the present measure, it is thought advisable by the committee to print herewith said report in order that the views of that department with respect to the establishment of the Rocky Mountain National Park may also be before the Senate. The letter from the Secretary of Agriculture is as follows:

HON. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

DEAR SIR: I wish to acknowledge receipt of a copy of the bill (S. 6007) to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, with the request that your committee be given a report thereon.

The bill proposes that a certain designated area now within the boundaries of the national forests under the jurisdiction of this department be set aside for national park purposes, the area to be thereafter administered by the Secretary of the Interior.

It is reported by the local forest officers that the tract embraces an area of considerable scenic beauty and is annually visited by a number of tourists, who are attracted to this region for recreation purposes. At the present time some of the land within the proposed boundaries is in private ownership and is occupied by ranchers, stockmen, and others engaged in industrial pursuits. I assume, however, that the number of alienations and the general status of this land will be reported upon to you by the Secretary of the Interior.

In section 3 it is proposed that no lands within the park boundaries now held in private, municipal, or State ownership shall be affected or subject to the provisions of the bill; but the State, person, or individual, or entity holding such private claims or title may surrender same to the United States, and upon the approval of the Secretary of the Interior be granted in lieu thereof, upon the basis of equal value, land situated elsewhere upon the public domain. Provision is also made that upon the approval of the Secretary of this department, such persons may receive in exchange lands included within a national forest, or, upon proper conditions, dead, decadent, or mature timber from the national forests. Upon informal inquiry made at the Department of the Interior, it is learned that the areas of private lands, State lands, approved school selections, together with 270 acres of pending entries, will total approximately 4,370 acres. This figure does not, however, include any mineral locations which are valid claims. The owners or claimants of any of these lands may therefore, under the provisions of the bill, obtain public lands, or, with the approval of the Secretary of the Department of Agriculture, obtain national-forest lands or national-forest timber.

This department would have no objection to the exchange of lands needed to consolidate the park if the lands to be acquired were necessary in the park plan. It is believed, however, that contention might arise as to the intended effect of the words "private claims or" in line 16, page 10. At the present time, while no homestead or other agricultural land entries may be made within the proposed park area, mining claims may be initiated there as freely as though the area were public domain. Should these words be retained it might be contended that the Secretary of the Interior was

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directed under its provisions to grant title to an equal area of other lands upon the surrender of the claims located within the park boundaries. It is suggested, therefore, that the words "private claims or" be stricken from the bill.

This department has heretofore urged the passage of a bill to establish a bureau of national parks, under which the various national parks and national monuments could be administered under uniform rules and regulations, since at the present time, under the plan of establishing national parks by special acts of Congress, each one is governed by laws different from the others, and therefore there is no uniformity in the administration of the areas. As this bill is drafted it conforms to most of the usual provisions found in laws establishing other national parks and the area is to be administered by the Secretary of the Interior. If, therefore, the words mentioned above are stricken out of line 16, page 10, this department has no objection to the passage of the bill, but would suggest that the Secretary of the Interior be asked for a report.

Very truly, yours,

D. F. HOUSTON, *Secretary*.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 793.

BRIDGE ACROSS MISSISSIPPI RIVER AT ST. PAUL, MINN.

SEPTEMBER 18, 1914.—Ordered to be printed.

Mr. SHEPPARD, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 6440.]

The Committee on Commerce, to whom was referred the bill (S. 6440) to authorize the Chicago, Milwaukee & St. Paul Railway Co. and the Chicago, St. Paul, Minneapolis & Omaha Railway Co. to construct a bridge across the Mississippi River at St. Paul, Minn., having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

[Second indorsement.]

WAR DEPARTMENT, *September 14, 1914.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 6440, Sixty-third Congress, second session, to authorize the Chicago, Milwaukee & St. Paul Railway Co., and the Chicago St. Paul, Minneapolis & Omaha Railway Co., to construct a bridge across the Mississippi River at St. Paul, Minn., makes ample provision for the protection of those interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as the interests are concerned.

LINDLEY M. GARRISON,
Secretary of War.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 797.

TO AMEND SECTION 98, LAWS RELATING TO THE JUDICIARY.

SEPTEMBER 24, 1914.—Ordered to be printed.

Mr. OVERMAN, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 18732.]

The committee reports this bill back to the Senate, recommending that it be amended by striking out the word "Showan," in line 13, section 98, and inserting in lieu thereof the word "Chowan," and as so amended it do pass.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 799.

EXEMPTION OF RECLAMATION SERVICE FROM OPERATION OF SECTION 5 OF LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION ACT.

SEPTEMBER 28 (calendar day, OCTOBER 1), 1914.—Ordered to be printed.

Mr. SMITH of Arizona, from the Committee on Irrigation and Reclamation of Arid Lands, submitted the following

REPORT.

[To accompany S. J. Res. 172.]

The Committee on Irrigation and Reclamation of Arid Lands, to which was referred Senate joint resolution 172, excepting the Reclamation Service from the operation of section 5 of the act approved July 16, 1914, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, beg leave to report the same to the Senate with the recommendation that it pass. The reasons for such recommendation are set forth in the accompanying letter of the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, August 4, 1914.

Hon. M. A. SMITH,
Chairman Committee on Irrigation of Arid Lands,
United States Senate.

MY DEAR SENATOR: Referring to section 5 of the act of July 16, 1914, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1915, which prohibits the use of any moneys appropriated by said act or any other act for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicles in any of the departments or bureaus of the Government, unless specific authority is given therefor, I have the honor to state that I am advised by the Reclamation Service that in connection with the construction and operation of reclamation projects the service has in commission 44 automobiles and 53 motor-cycles, and the aggregate mileage traveled wholly on official business is about 52,000 miles per month; also that on certain railroads built or used in connection with the construction of reclamation works motor-propelled passenger-carrying vehicles are being or may be operated.

The opinion of the comptroller was requested upon the point as to whether said section 5 was applicable to operations under the reclamation act, and in opinion dated July 23, 1914, copy inclosed, he advised that it is applicable to the Reclamation Service as well as to other branches of the Government service.

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The use of motor-propelled or horse-drawn passenger-carrying vehicles in connection with the expeditious, economical, and proper conduct of operations under the reclamation act is absolutely necessary. The various works forming a part of a reclamation project, such as reservoirs, canals, laterals, pipe lines, power transmission and telephone lines, cover such an extended area that to move from point to point on foot would be destructive of economy in the performance of work, and might result in serious loss or damage to existing structures in times of emergency. The canals in active use must pe patrolled daily by canal riders and gate tenders, who must open and close upward of 20,000 diversion gates each day, or at intervals of a few days, during the irrigation season. Inspectors, timekeepers, superintendents, and others must necessarily move from place to place in the performance of their duties. It is important that quick transportation be available for surgeons and physicians in cases of personal injuries to employees, and it is also necessary for the engineers in charge to move from point to point in examining works under construction.

The continued prohibition of use of the means of transportation described would impair the efficiency of the service in delivering water to the water users and involve the latter in greater ultimate cost for the construction, operation, and maintenance of the irrigation system, and might cause serious delay in the distribution of water, with consequent inconvenience and possible loss of crops. The circumstances attending the operations of this service are believed to be different from many other branches of the public service and the need for these methods of transportation more imperative.

I have the honor to submit herewith form of joint resolution designed to except the Reclamation Service from the operations of said section 5, and have the honor to request your consideration of same or of some other method whereby the use of these means of transportation may be continued by the service.

Cordially, yours,

FRANKLIN K. LANE.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 800.

INTERNATIONAL CONGRESS ON EDUCATION.

SEPTEMBER 28 (calendar day, OCTOBER 1), 1914.—Ordered to be printed.

Mr. O'GORMAN, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. J. Res. 187.]

The Committee on Foreign Relations, to which was referred Senate joint resolution 187, requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education, having had the same under consideration, report the same with the recommendation that it do pass.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 801.

REGISTERS AND RECEIVERS OF UNITED STATES LAND OFFICES IN KANSAS.

SEPTEMBER 28 (calendar day, OCTOBER 5), 1914.—Ordered to be printed.

Mr. THOMPSON, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6392.]

The Committee on Public Lands, to which was referred the bill (S. 6392) for the relief of registers and receivers of the United States land offices in the State of Kansas, having had the same under consideration, beg leave to report it back to the Senate with the following amendments:

Page 1, line 9, after the words "State of Kansas," strike out the following: "and that any and all registers and receivers of the United States land offices who performed services in the location of military bounty land warrants."

Page 2, lines 6 and 7, after the word "therewith" in line 6, strike out the following: "or for locating military bounty land warrants."

Page 2, lines 9, 10, 11, and 12, after the word "merits" in line 9, strike out the following: "and shall allow the complainants interest at six per centum per annum from date of service upon any amount found due them, or either of them, by the court."

As thus amended the committee recommend that the bill do pass.

The committee has gone quite fully into the facts presented with the above legislation, and find them to be as follows:

In 1856 Ely Moore was appointed special register and superintendent, with William Brindle, to assist a special commission to sell the eastern portion of the Delaware Indian trust lands at Fort Leavenworth, Kans. In May, 1857, John W. Whitfield was appointed special register and superintendent and Daniel Woodson was appointed special receiver and superintendent to assist the special commission to sell the Iowa Indian trust lands in Kansas and to sell the western portion of the Delaware Indian trust lands in Kansas.

In May, 1857, Ely Moore was appointed a special register and superintendent, with William Brindle as special receiver and super-

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intendent, to assist the special commission to sell the Indian trust lands of the united tribe of the Wea Indians at Paola, Kans. In 1861 the special registers and receivers filed accounts with the Commissioner of Indian Affairs, in which they claim 1 per cent commission on the money derived from the sale of the land as a part of the expense for selling the land. The Secretary of the Interior, in 1861, issued an order allowing such special agent 1 per cent commission on the part of the money derived from the sale of said lands, but not the full amount due them. In 1877 the United States, as trustee of the united tribe of the Weas, claimed a balance due to said Indians from said William Brindle as special agent, whilst he claimed the balance due to him as commissioner from the moneys received from the sale of the eastern portion of the Delaware Indian trust lands and requested that suit be brought, which was done. In June, 1878, an act was passed permitting him to make a defense and claim for the balance due him. This case was tried in the District Court of the United States, Eastern District of Pennsylvania, wherein judgment was rendered in his favor for the full amount of 1 per cent commission.

The case was appealed to the circuit court of the United States, which judgment was affirmed, and from that court the United States appealed to the Supreme Court of the United States, which on March 3, 1884, decided the case in favor of Brindle and affirmed the judgment of the circuit court. This case will be found in One hundred and tenth United States Reports, page 688. In June, 1885, the Commissioner of Indian Affairs reported to the honorable Secretary of the Interior that John W. Whitfield, Daniel Woodson, and Ely Moore, special registers and receivers for said Indian lands, had again made claim for 1 per cent commission upon moneys received from the sale of said trust lands, and demanded payment in accordance with the decision of the Supreme Court of the United States, supra. In August, 1882 (22 Stat., p. 345), Congress authorized the settlement of said accounts, yet said accounts were not settled because the Attorney General had said in an opinion that said act was not broad enough to make settlement.

The United States claimed that John W. Whitfield was indebted to it by reason of certain written obligations made by him, and suit was brought in the United States Circuit Court for the Western Division of Texas to recover upon these obligations. Thereafter, to wit, in 1892, Congress passed an act permitting the estate of Whitfield to set up any defense which he might have against the Government and present any set-off against said demands, and Congress especially authorized the defense, with reference to any commissions due the estate of said Whitfield by reason of his services as special register for the sale and distribution of the aforesaid lands. Thereafter said cause was duly tried, and the court allowed the said estate to recover a commission of 1 per cent against the Government for these services of said Whitfield in the sale and disposition of said land.

A bill was introduced in the Fiftieth Congress authorizing and requiring the accounts of said special agents to be settled under the Indian treaties as construed by the Supreme Court of the United States in the Brindle case. The bill was favorably reported, but was not reached on the calendar. The committee reporting the bill said:

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Your committee are of the opinion that said special agents should not be subjected to the expense and delay of being compelled to bring suit against the United States to recover the money yet due to each of them, as under said treaty of 1854 only the net proceeds of the trust money received from the sale of said trust lands belonged to and can be legally or justly paid over to said Indians under said treaties and under the act of Congress.

The Fifty-second Congress also favorably reported a bill authorizing and requiring a further and final settlement of the accounts of the said special agents under said treaties as construed by the Supreme Court in the above-mentioned cases, but said bill was not reached on the calendar.

In the Fifty-third Congress a like bill was introduced and reported favorably by the committee, but was not reached on the calendar. The report from the committee on that bill refers to previous correspondence with the Interior Department and makes the following notation from the Commissioner of Indian Affairs:

In reference to this class of claims I would state that the impartial judgment of the Office of Indian Affairs has ever been that they are just and should be paid. The authority for compensating these agents was found in the treaties and not elsewhere.

The commissioner at that time recommended 1 per cent commission on all the Indian trust lands be allowed and paid.

This report refers to 110 United States, supra:

By expressed provision in the treaties the expenses incurred by the United States making the sales were to be paid from the proceeds. This clearly implies the payment of reasonable compensation for the services of those employed to carry the trust into effect.

It appears that in October, 1889, the Acting Secretary of the Interior, in a letter relative to these claims, stated:

In view of the opinion of the honorable Attorney General that no valid grounds existed for the reopening accounts of the claimants, no action whatever should be taken by the executive department without legislation providing therefor.

A similar bill to this was introduced in the Senate of the second session of the Sixty-first Congress and reported favorably from the Committee on Indian Affairs, and was passed by the Senate, but Congress adjourned before it reached the House.

The claimants have continuously claimed a commission of 1 per cent for their services in the sale of this land and have caused to be introduced different bills in Congress providing for an adjustment and settlement of their claims upon a 1 per cent basis, which bills were duly reported by the committee, but did not pass because they were not reached upon the calendar.

The dispute between the claimants and the department is whether or not the claimants shall have a commission of 1 per cent as authorized by the Commissioner of Indian Affairs for their services, or whether they shall receive only a salary of $2,500, which was then the salary of registers and receivers, which amount the Secretary of the Interior claimed should cover.

The Supreme Court of the United States has held adversely to the contention of the Interior Department, and that the Government has paid Brindle and Whitfield a commission of 1 per cent for their services in the disposition of this land by reason of the judgment of the court; that neither Moore or Woodson have received a settlement upon the basis of 1 per cent commission, notwithstanding they have all these years been demanding such a settlement.

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The bill carries with it no appropriation. It does not undertake to determine which contention is correct. It simply permits these parties to present their claims in the Court of Claims, with the right of either side to appeal. We feel that in view of the history of the case, the apparent rights of the claimants, that they should be permitted to have their day in court, and we therefore recommend the passage of the bill as amended.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 803.

CEDING CERTAIN LANDS IN THE PRESIDIO OF SAN FRANCISCO, CAL.

SEPTEMBER 28 (calendar day, OCTOBER 5), 1914.—Ordered to be printed.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. J. Res. 188.]

The Committee on Military Affairs, to whom was referred the joint resolution (S. J. Res. 188) ceding to the State of California temporary jurisdiction over certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations, beg leave to report the same back to the Senate with the recommendation that it do pass.

A similar resolution has been reported out of the House Committee on Military Affairs, and, as the report made thereon sets out the reason and purpose of the proposed legislation, it is hereby incorporated and made a part of this report, and is as follows:

[House Report No. 1167, Sixty-third Congress, second session.

The Committee on Military Affairs, to whom was referred House joint resolution 346, having considered the same, report thereon with a recommendation that it do pass.

Under a joint resolution approved February 16, 1912, the Secretary of War granted to the Panama-Pacific International Exposition Co. permission to occupy and utilize certain portions of the Presidio of San Francisco and Fort Mason Military Reservations for exposition purposes. The exposition company has erected a number of buildings on the land so granted. It is desirable that there be no conflict of authority as to the power to preserve order in all of the said portions of said reservations during their occupancy by the Panama-Pacific International Exposition Co., and it is deemed advisable that said power should be vested in the authorities of the State of California.

The following correspondence sets out more fully the need for this legislation:

WAR DEPARTMENT,
Washington, September 14, 1914.

The Hon. JULIUS KAHN,
House of Representatives, Washington, D. C.

DEAR MR. KAHN: On the 4th instant Mr. Curtis H. Lindley submitted a proposed bill to the department for the temporary transfer of jurisdiction over certain parts of the Presidio of San Francisco and Fort Mason Military Reservations to the State of California, which I referred to the Judge Advocate General for his remarks and recommendations. There being certain objections to the bill as proposed by Mr. Lind-

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ley, the Judge Advocate General has rendered a report embodying a proposed joint resolution which I am transmitting herewith to you. I concur in the joint resolution as drawn and in the remarks of the Judge Advocate General relating thereto.

Respectfully,

LINDLEY M. GARRISON,
Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, September 9, 1914.

From: The Office of the Judge Advocate General.
To: The Secretary of War.
Subject: Transfer of jurisdiction over lands in the Presidio of San Francisco and Fort Mason Military Reservations used for exposition purposes.

1. By the papers in reference it appears that Mr. Curtis H. Lindley, of San Francisco, Cal., submitted on the 4th instant a proposed bill for your consideration, the purpose of which is to give the authorities of the State of California and the city and county of San Francisco power to enforce order in such parts of these reservations as are to be used for exposition purposes. Since submitting this proposed bill Mr. Lindley has visited this office and has concurred in my opinion that the bill as proposed by him is objectionable in that it purports to vest the authorities of the State of California with the power and duty of enforcing the laws of the United States. Mr. Lindley and the honorable Julius Kahn, Representative from California, have, therefore, requested this office to draw a bill which may effect the desired purpose and be free from the above and other legal objections.

2. This office proposes a joint resolution as follows:

"Joint resolution ceding to the State of California temporary jurisdiction over certain lands in the Presidio of San Francisco and Fort Mason (California) Military Reservations.

"Whereas the Secretary of War was authorized by joint resolution (No. 8) of February sixteenth, nineteen hundred and twelve, to grant to the Panama-Pacific International Exposition Company permission to occupy and utilize such portions of the Presidio of San Francisco and Fort Mason Military Reservations for exposition purposes as he might designate; and

"Whereas the Secretary of War under the authority in him vested by the said joint resolution did by an instrument dated April twenty-second, nineteen hundred and twelve, grant permission to the said company to occupy and utilize for the said purposes certain portions of the said military reservations, and did by an instrument dated April tenth, nineteen hundred and fourteen, grant a like permission to the said company as to certain other portions of the said Presidio Military Reservation; and

"Whereas the United States now has exclusive jurisdiction over the said military reservations; and

"Whereas it is desirable that the power to preserve order in all of the said portions of said reservations during their occupancy by the said Panama-Pacific International Exposition Company be vested in the authorities of the State of California: Therefore be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States hereby cedes to the State of California such jurisdiction over the said portions of the said military reservations as the said State now possesses elsewhere within its territory, such cession to be coextensive territorially with the said permits of April twenty-second, nineteen hundred and twelve, and April tenth, nineteen hundred and fourteen, and to terminate upon their expiration: *Provided,* That jurisdiction to try and punish all crimes committed within said portions of said military reservations prior to the date that this cession becomes effective is reserved to the United States: *Provided further,* That the cession of jurisdiction made by this resolution shall not take effect until the same is accepted by the Legislature of the State of California: *And provided further,* That when the United States shall resume possession of the said lands or any part thereof, the jurisdiction herein ceded over lands so repossessed shall revert in the United States."

3. The only precedents for retrocession to States that have been found are the acts of March 3, 1819 (3 Stat., 520), and January 21, 1871 (16 Stat., 399), neither of which is deemed a suitable guide.

4. The portions of the two reservations, the use of which was granted for exposition purposes, were not described in the permits by metes and bounds, and can not, therefore, be so described here. This office is informed, however, that the exposition

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grounds have been inclosed by a wall, and it is believed that no controversy will arise as to the boundaries of the lands affected by this bill.

5. When California was admitted as a State in 1850 the United States did not expressly reserve jurisdiction over military reservations within its limits. Exclusive jurisdiction was ceded to the United States by an act of the California Legislature March 2, 1897 (Cal. Stat., 1897, p. 51). It is not deemed advisable to describe the jurisdiction to be now retroceded as the "jurisdiction ceded by the State of California in 1897," for there is doubt as to just what degree of jurisdiction the State of California possessed prior to its act of cession of 1897. It was provided by an act of Congress June 4, 1888 (25 Stat., 167), that—

"Whenever called upon by the proper military authorities, the city of San Francisco shall be permitted to send any part of its police force to arrest trespassers, intruders, and disorderly persons upon the said reservation (Presidio of San Francisco)."

Had the State retained its jurisdiction the above provision of law would have been unnecessary.

Neither will it do to cede to the State of California exclusive jurisdiction, for the United States must retain such jurisdiction as it has throughout the territory of the United States. The jurisdiction to be ceded is therefore described as "such jurisdiction * * * as the said State now possesses elsewhere within its territory."

6. This office recommends a transfer of jurisdiction as set forth in the proposed joint resolution. It is neither practicable nor advisable for the military authorities to maintain order in the exposition grounds. Section 6 of the permit dated April 22, 1912, is as follows:

"In view of the fact that both the reservations above named are under the exclusive jurisdiction of the United States, and that in the period during which the said exposition company will be allowed to use portions of the said reservations it will not be practicable for the military forces of the United States to insure good order thereon, and the authorities of the city of San Francisco and of the State of California would have no authority on the premises, the said exposition company is required to take adequate steps to insure the presence of a sufficient number of officers of the law to maintain order and exercise the proper police functions over those portions of the reservations which the said exposition company is permitted to use."

This section, it is seen, requires the exposition company to have present a "sufficient number of officers of the law to maintain order." These officers would necessarily be deputy United States marshals, and the offenses for which they would make arrest would be offenses against the United States, triable only in the United States district court for the northern district of California. It is much better that the Legislature of California be permitted to extend the jurisdiction of the local authorities to the grounds in question and that the misdemeanors there committed be tried by the local courts.

7. The Legislature of the State of California will meet early in January, 1915, in ample time to accept the jurisdiction granted and provide for its exercise.

8. The permits that have been granted to the exposition company as well as the joint resolution authorizing such permits set the date of December 31, 1916, as the termination of such grants. There is a possibility, however, of further extension, also a possibility that the United States may, as provided in the permits, "in an emergency" resume its possession for military use of all or part of the lands granted. Effort has been made, therefore, to draw the last proviso so as to meet all these conditions.

E. H. CROWDER,
Judge Advocate General.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 806.

NONMINERAL ENTRIES ON COAL LANDS IN ALASKA.

OCTOBER 7, 1914.—Ordered to be printed.

Mr. MYERS, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 6484.]

The Committee on Public Lands, to which was referred the bill (S. 6484) to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska, having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Page 3, line 15, after the words "United States," insert the following: "applicable to Alaska."

As thus amended the committee recommend that the bill do pass.

The bill was referred to the Department of the Interior and the Secretary of that department furnished the committee with the following report thereon:

Hon. HENRY L. MYERS,
Chairman of the Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I am in receipt of your request of September 14, 1914, for report on S. 6484, Sixty-third Congress, second session, entitled "A bill to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska."

The proposed bill is applicable only to the district of Alaska. It extends to that district the policy of segregating for the purposes of disposition under the public land laws the so-called surface rights from the specified mineral deposits contained in the lands. The minerals so segregated are reserved to the Government, while the lands exclusive of such minerals are opened to disposal under the appropriate nonmineral land laws operative in Alaska.

As to public lands in the United States proper, the act of March 3, 1909 (35 Stat., 844), and the act of June 22, 1910 (36 Stat., 583), have provided that, under certain conditions, agricultural entries may be made and perfected upon coal lands with a reservation of the coal deposits to the United States. The latter act has been extended to Alabama coal lands by the act of April 23, 1912 (37 Stat., 90), and to State grants and isolated tracts by the act of April 30, 1912 (37 Stat., 105). By the act of August 24, 1912 (37 Stat., 496), the surface of oil and gas lands in Utah were made subject to certain forms of agricultural appropriation, such mineral deposits being reserved. The act of February 27, 1913 (37 Stat., 687), authorized the selection by the State of

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Idaho, under its land grant, of phosphate and oil lands with the reservation of such minerals. Senate bill No. 60, Sixty-third Congress, as originally introduced, provided for a limited disposition of the surface of oil lands in the State of Wyoming, but as amended and finally passed and approved July 17, 1914 (Public, 128), this act provides "for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals."

From the foregoing it appears that Congress has, in the United States proper, inaugurated a definite policy of separate dispositions of surface estates and mineral deposits in certain classes of important fuel and fertilizer minerals. With this general policy this department is in hearty accord. No reason is perceived for limiting the operation of such a policy to the public lands located in the United States proper, and in my opinion it should be extended to the Territory of Alaska. Important deposits of coal and some oil are known to exist there, and lands containing deposits of such minerals are now withdrawn. With its vast area and largely undeveloped resources, both agricultural and mineral, Alaska presents a virgin field for the early and successful introduction and operation of the proposed measure. The bill as drafted parallels the language used in said act of July 17, 1914, supra, with the addition of coal to the list of minerals therein named, and with the limitation of surface disposition to existing laws now applicable in Alaska. In order that this limitation may clearly appear throughout the bill, I would suggest that in line 15, page 3, section 2, after the words "United States," the following be inserted: "applicable to Alaska."

Legislation along the lines of the proposed bill, in my opinion, is desirable as being complemental to H. R. 14233, a bill providing for the leasing of coal lands in the Territory of Alaska, and for other purposes, which was passed by the House on September 5, 1914 (Cong. Rec., p. 16159), and to the general leasing bill (H. R. 16136), entitled "A bill to authorize exploration for, and disposition of, coal, phosphate, oil, gas, potassium, or sodium." The latter measure is now under active consideration in the House of Representatives. Senate bill 6484, incorporating, as it does in clear and definite language, all the essential provisions of the so-called surface acts now applicable in the United States, is a measure of undoubted merit, and meets with the full approval of this department. I recommend the passage of this bill.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Under the present law there is no way in which title can be acquired to the surface of lands withdrawn for coal in Alaska. The Alaska coal-leasing bill (H. R. 14233) recently passed by the Senate contemplates the passing of title to the surface of coal lands in Alaska when in the discretion of the Secretary of the Interior the same shall be advisable. It, therefore, appears essential to the committee that legislation should be enacted extending the application of the nonmineral land laws of the United States to Alaska, so as to enable the acquisition of title to the surface of said lands under said laws.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 810.

SALE OF PORTION OF PUBLIC-BUILDING SITE, GASTONIA, N. C.

OCTOBER 8, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany H. R. 17764.]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 17764) authorizing the sale of a portion of the public-building site in the city of Gastonia, N. C., having considered the same, recommend that the bill do pass for the reasons set forth in the House report, which is hereby adopted.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 812.

VANCE PARK, CHARLOTTE, N. C.

OCTOBER 8, 1914.—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT.

[To accompany H. R. 15575.]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 15575) donating the old iron fence around Vance Park, in the city of Charlotte, N. C., to the Mecklenburg Declaration of Independence Chapter, Daughters of the American Revolution, having considered the bill, report thereon with the recommendation that the same pass for the reason set forth in the House report on said bill, which is hereby adopted.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 813.

WAR-REVENUE BILL.

OCTOBER 8, 1914.—Ordered to be printed.

Mr. SIMMONS, from the Committee on Finance, submitted the following

REPORT.

[To accompany H. R. 18891.]

The Committee on Finance, to whom was referred the bill (H. R. 18891) entitled "An act to increase the internal revenue, and for other purposes," having had the same under consideration, reports it back to the Senate with sundry amendments and recommends that the bill as amended do pass.

During the fiscal year ending June 30, 1914, the revenue derived by the Government from customs, income, and internal-revenue taxes exceeded the expenditures of that fiscal year by about $34,000,000.

Early in August of the present year seven of the great nations of Europe became involved in war, six of them being the chief industrial countries of that continent. These conditions in Europe have necessarily affected our trade relations with those countries, especially our imports, and as our customs revenue is derived from duties on imports our revenue from this source has greatly suffered, and will continue to suffer while this conflict continues.

In round numbers the decrease of customs revenue for July, August, September, and the first five days of October, 1914, as compared with a similar period in 1913, are as follows:

July	$4,800,000
August	11,500,000
September	9,600,000
October (5 days)	2,800,000
Total to Oct. 5, inclusive	28,700,000

On September 4, 1914, the President of the United States, in the discharge of the duty imposed upon him by the Constitution, appeared in person before the two Houses of Congress, and after setting forth the situation and its effect upon the revenues of the Government urged that an additional revenue of $100,000,000 be raised through internal taxes in order to meet every demand upon the Treasury without delay or peradventure and in order to keep the Treasury strong throughout the exigencies created by this war.

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Responding to the recommendation made by the President, on the 22d day of September, 1914, the Ways and Means Committee of the House of Representatives reported to that body H. R. 18891, and on the 25th day of September it was approved by the House and shortly thereafter transmitted to the Senate and referred to the Committee on Finance.

In the bill as reported back, your committee recommend many amendments, but it is deemed sufficient for the purpose of this report to enumerate only the more important amendments, as follows:

First. The House bill raised the tax on fermented liquors from $1 to $1.50 per barrel. Your committee recommend that this be further increased to $1.75 per barrel, with a discount of 5 per cent, being a net increase of 16¼ cents per barrel over the House rate.

Second. Your committee recommend a tax of 5 cents per gallon on each gallon of rectified spirits. Neither the present law nor the House bill imposes any tax on rectified spirits as such.

Third. The House bill imposes a tax of 2 cents per gallon on gasoline. Your committee recommend that this provision of the House bill be eliminated altogether.

Fourth. The section of the House bill relating to wines has been rewritten and changed as follows: First. To include liqueurs or compounds known or designated as wines, liqueurs, or cordials. Second. To apply the tax to imported wines or cordials as well as to domestic wines. Third. To reduce the rate of tax upon dry wines from 12 to 8 cents per gallon. Fourth. That the tax shall be paid by the dealer instead of by the manufacturer, as provided in the House bill.

Fifth. The House bill imposes a tax upon bankers of $2 for each $1,000 of capital and surplus. Your committee recommends that this be reduced to $1 for each $1,000 of capital and surplus.

Sixth. The House bill imposes a tax of $50 upon brokers. Your committee recommends that this tax be eliminated.

Seventh. Your committee recommends that the provisions of the House bill relating to theaters, museums, and concert halls be changed as follows: First. That the provision restricting the operation of that section of the bill to cities with a population of 15,000 be stricken out. Second. That instead of a flat rate of $100 on each theater, museum, or concert hall, a graduated tax be imposed, as follows:

Upon theaters, museums, and concert halls having a seating capacity of not more than 300, $25; having a seating capacity of more than 300 and not more than 600, $50; having a seating capacity of more than 600 and not more than 1,000, $75; having a seating capacity of more than 1,000, $100.

Eighth. Your committee also recommends an amendment to the section of the House bill relating to exhibitions or shows by exempting from its operation chatauquas, lecture lyceums, agricultural or industrial fairs, or exhibitions held under the auspices of religious or charitable associations.

Ninth. To meet a decision of the courts to the effect that commission merchants are not included under the term "commercial brokers," your committee recommends an additional paragraph to section 4 imposing a specific tax of $20 upon commission merchants, and defining what is meant by the phrase "commission merchants."

Tenth. The House bill imposes a tax upon each tobacco dealer, not specially provided for, of $4.80. Your committee has amended

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this provision by adding the words, "for each store, shop, or other place in which tobacco in any form is sold." This amendment was deemed necessary to cover cases where one person or corporation sells tobacco in more than one place.

Eleventh. The House bill makes three classifications of manufactured tobacco and cigars, imposing a tax, respectively, of $6, $12, and $24. Your committee recommends two additional classifications of $48 and $96, respectively.

Twelfth. The House imposes a tax of $24 upon manufacturers of cigarettes. Your committee recommends two additional classifications of $48 and $96.

Thirteenth. Your committee recommends that section 6, section 9, and sections 17, 18, 19, 20, 21, and 22 be amended by the insertion of certain amendments relating to the administration.

Fourteenth. Your committee recommends the striking out of the provision in section 7 of the House bill making the instruments, documents, and papers enumerated in that section incompetent as evidence in any court unless stamped as therein provided. It also recommends that the provision in section 13 of the House bill providing that the instruments, documents, and papers therein enumerated should be deemed invalid unless stamped. Your committee recommends that the provisions of section 15 of the House bill making registration or transfer of the instrument mentioned therein when unstamped incompetent in evidence be stricken out.

Fifteenth. The paragraph of the bill relating to telegraph and telephone messages has largely been rewritten. The chief effect of the changes is to require the sender of telegraph and telephone messages to pay the tax of 1 cent and to require the companies to collect the tax and account to the Government monthly for same.

Sixteen. Your committee recommends the elimination of section 11, relating to acceptor or acceptors of bills of exchange or orders for the payment of money drawn or purported to be drawn in foreign countries and payable in the United States.

Seventeen. The House bill imposes certain taxes upon life insurance and accident policies. Your committee recommends that the section of the bill imposing this tax be eliminated.

Eighteen. Your committee recommends an amendment to the paragraph relating to marine, inland, and fire insurance, providing that upon the cancellation of a policy or the refund in whole or in part of the premium the tax thereupon shall be repaid pro rata to the insured. It also provides that policies of reinsurance shall be exempt from the tax imposed by the paragraph.

Nineteen. Your committee recommends that the provisions of the bill relating to mortgage or pledge of lands and personal property and to the transfer of such instruments be eliminated from the bill.

Twenty. The House bill imposes a graduated tax upon passage tickets by vessels from a port in the United States to a foreign port. Your committee recommends an amendment that passage tickets costing $10 or less be exempted.

Twenty-one. The House bill imposes a tax of 2 cents upon every seat sold in a palace or Pullman car and every berth in a sleeping car. Your committee recommends that this tax be reduced to 1 cent.

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Twenty-two. Your committee recommends the addition of a new schedule to be known as Schedule B, covering medicinal proprietary articles and preparations, perfumery and cosmetics, chewing gum and substitutes therefor, sparkling and other wines not otherwise taxed in this act. The rate of tax recommended upon the various articles in this schedule are the same as those imposed in the act of 1898, commonly known as the war-revenue act.

Twenty-three. Upon the recommendation and estimates made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, your committee recommend that section 19 of the House bill be amended so as to provide an appropriation of $492,000 for expenses of administration in the collection of the taxes imposed under this act. During the fiscal year ending June 30, 1914, it cost 1½ per cent to collect taxes imposed under the internal-revenue laws. The amendment recommended will allow only one-half of 1 per cent for the collection of the taxes imposed by this act.

Your committee recommends that the bill be amended so as to provide that it shall take effect 30 days after its approval.

Your committee also recommends that the bill be so amended as to provide that none of the taxes levied and collected under this act be levied and collected after the 31st day of December, 1915.

The message of the President, hereinbefore referred to, and the report of the Committee on Ways and Means of the House of Representatives upon the general features of the bill, as well as the reasons for its enactment, are able and comprehensive, and your committee submits them herewith as a part of its report.

[House Document No. 1157, Sixty-third Congress, second session.]

Additional Revenue.

ADDRESS OF THE PRESIDENT OF THE UNITED STATES DELIVERED AT A JOINT SESSION OF THE TWO HOUSES OF CONGRESS SEPTEMBER 4, 1914.

Gentlemen of the Congress:

I come to you to-day to discharge a duty which I wish with all my heart I might have been spared; but it is a very clear duty, and therefore I perform it without hesitation or apology. I come to ask very earnestly that additional revenue be provided for the Government.

During the month of August there was, as compared with the corresponding month of last year, a falling off of $10,629,538 in the revenues collected from customs. A continuation of this decrease in the same proportion throughout the current fiscal year would probably mean a loss of customs revenues of from sixty to one hundred millions. I need not tell you to what this falling off is due. It is due, in chief part, not to the reductions recently made in the customs duties, but to the great decrease in importations; and that is due to the extraordinary extent of the industrial area affected by the present war in Europe. Conditions have arisen which no man foresaw; they affect the whole world of commerce and economic production; and they must be faced and dealt with.

It would be very unwise to postpone dealing with them. Delay in such a matter and in the particular circumstances in which we now find ourselves as a nation might involve consequences of the most embarrassing and deplorable sort, for which I, for one, would not care to be responsible. It would be very dangerous in the present circumstances to create a moment's doubt as to the strength and sufficiency of the Treasury of the United States, its ability to assist, to steady, and sustain the financial operations of the country's business. If the Treasury is known, or even thought, to be weak, where will be our peace of mind? The whole industrial activity of the country would be chilled and demoralized. Just now the peculiarly difficult financial prob-

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lems of the moment are being successfully dealt with, with great self-possession and good sense and very sound judgment; but they are only in process of being worked out. If the process of solution is to be completed, no one must be given reason to doubt the solidity and adequacy of the Treasury of the Government which stands behind the whole method by which our difficulties are being met and handled.

The Treasury itself could get along for a considerable period, no doubt, without immediate resort to new sources of taxation. But at what cost to the business of the community? Approximately $75,000,000, a large part of the present Treasury balance, is now on deposit with national banks distributed throughout the country. It is deposited, of course, on call. I need not point out to you what the probable consequences of inconvenience and distress and confusion would be if the diminishing income of the Treasury should make it necessary rapidly to withdraw these deposits. And yet without additional revenue that plainly might become necessary, and the time when it became necessary could not be controlled or determined by the convenience of the business of the country. It would have to be determined by the operations and necessities of the Treasury itself. Such risks are not necessary and ought not to be run. We can not too scrupulously or carefully safeguard a financial situation which is at best, while war continues in Europe, difficult and abnormal. Hesitation and delay are the worst forms of bad policy under such conditions.

And we ought not to borrow. We ought to resort to taxation, however we may regret the necessity of putting additional temporary burdens on our people. To sell bonds would be to make a most untimely and unjustifiable demand on the money market; untimely, because this is manifestly not the time to withdraw working capital from other uses to pay the Government's bills; unjustifiable, because unnecessary. The country is able to pay any just and reasonable taxes without distress. And to every other form of borrowing, whether for long periods or for short, there is the same objection. These are not the circumstances, this is at this particular moment and in this particular exigency not the market, to borrow large sums of money. What we are seeking is to ease and assist every financial transaction, not to add a single additional embarrassment to the situation. The people of this country are both intelligent and profoundly patriotic. They are ready to meet the present conditions in the right way and to support the Government with generous self-denial. They know and understand, and will be intolerant only of those who dodge responsibility or are not frank with them.

The occasion is not of our own making. We had no part in making it. But it is here. It affects us as directly and palpably almost as if we were participants in the circumstances which gave rise to it. We must accept the inevitable with calm judgment and unruffled spirits, like men accustomed to deal with the unexpected, habituated to take care of themselves, masters of their own affairs and their own fortunes. We shall pay the bill, though we did not deliberately incur it.

In order to meet every demand upon the Treasury without delay or peradventure and in order to keep the Treasury strong, unquestionably strong, and strong throughout the present anxieties, I respectfully urge that an additional revenue of $100,000,000 be raised through internal taxes devised in your wisdom to meet the emergency. The only suggestion I take the liberty of making is that such sources of revenue be chosen as will begin to yield at once and yield with a certain and constant flow.

I can not close without expressing the confidence with which I approach a Congress, with regard to this or any other matter, which has shown so untiring a devotion to public duty, which has responded to the needs of the Nation throughout a long season despite inevitable fatigue and personal sacrifice, and so large a proportion of whose Members have devoted their whole time and energy to the business of the country.

Mr. UNDERWOOD, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany H. R. 18891.]

The Committee on Ways and Means, to whom was referred House bill H. R. 18891, to increase the internal revenue, and for other purposes, having had the same under consideration, report it back to the House with an amendment striking out the word "similar" where it appears after the word "other" on line 12 of page 3 and insert after the word "gasoline," on line 12, page 3, the words "motor spirit," and recommend that the bill as amended do pass.

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NECESSITY OF THIS LEGISLATION.

The necessity for this legislation grows out of the reduction of revenue derived from customs receipts caused by the disturbed conditions resulting from the war in Europe.

The following table shows the value of dutiable imports into the United States from the European countries at war during the fiscal year ending June 30, 1914, together with the estimated falling off in customs revenue during the next 12 months, computed on the basis of the tariff act of October 3, 1913:

Estimated falling off in customs revenue during the next 12 months because of the European war.

Country.	Dutiable imports, value 1914.	Estimated falling off in revenues during next 12 months.
Austria-Hungary	$15,232,645	$5,267,000
Belgium	21,324,417	5,398,000
France	95,445,062	35,566,000
Germany	119,383,978	38,683,000
Russia in Europe	2,420,602	242,000
Servia and Montenegro	9,627	2,000
United Kingdom	132,178,220	40,653,000
Total	385,989,551	125,811,000

NOTE.—This estimate is made on the assumption that all imports from the European countries at war will cease during the next 12 months. The import values shown represent the dutiable articles imported during the fiscal year ending June 30, 1914. The estimated falling off in revenue is computed by applying the rates of the act of 1913 to the imports for the fiscal year ending June 30, 1914.

It must be borne in mind that the above estimates are based on the assumption that all imports from the countries at war will cease. It seems certain that the imports of some articles will continue and that the falling off in customs revenue will not be greater than $100,000,000. We feel certain that should the customs revenue decrease more than $100,000,000 during the next year because of the European war that the increased collections under the income tax will be entirely sufficient to make up any deficit that may occur.

CUSTOMS AND TOTAL ORDINARY REVENUE RECEIPTS.

The following tables show the customs revenue and the total ordinary revenue collected, by months, for the fiscal years ending June 30, 1912, 1913, and 1914, and also for the first two months of the fiscal year 1915.

Customs revenue and total ordinary receipts for the fiscal years 1912, 1913, 1914, and 1915 to date.

CUSTOMS REVENUE.

Month.	1912	1913	1914	1915
July	$23,404,502.50	$28,136,502.27	$27,806,654.54	$22,988,465.04
August	25,952,466.21	30,205,331.96	30,934,952.44	19,431,362.52
September	24,746,309.77	27,475,127.85	26,794,494.25	.....
October	25,757,036.40	30,216,824.02	30,138,049.37	.....
November	24,704,345.15	25,666,353.25	21,173,627.85	.....
December	24,587,327.35	24,248,161.30	21,510,139.99	.....
January	24,654,652.30	29,334,124.09	23,528,079.83	.....
February	25,337,528.23	27,605,115.83	17,609,603.70	.....
March	30,408,561.39	27,457,489.20	25,927,212.90	.....
April	25,184,467.79	23,693,966.76	22,232,766.57	.....
May	25,578,973.14	20,434,749.21	20,800,573.25	.....
June	28,005,501.99	24,417,650.12	23,672,372.94	.....
Total	311,321,672.22	318,891,395.86	292,128,527.63	42,419,827.56

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Customs revenue and total ordinary receipts for the fiscal years 1912, 1913, 1914, and 1915 to date—Continued

TOTAL ORDINARY RECEIPTS.

Month.	1912	1913	1914	1915
July	$52,085,061.76	$50,536,333.50	$60,231,524.12	$73,224,173.55
August	54,803,682.82	60,205,002.32	61,600,197.16	51,072,898.30
September	56,335,353.09	55,682,556.08	56,073,397.05	.....
October	56,054,411.33	64,469,504.07	64,196,633.15	.....
November	56,588,831.93	59,069,393.94	55,515,132.92	.....
December	53,749,605.52	55,821,538.88	53,152,435.89	.....
January	52,461,711.56	60,542,363.45	53,977,886.39	.....
February	53,932,609.01	54,803,419.47	43,633,857.33	.....
March	59,296,026.64	56,720,083.57	54,803,890.84	.....
April	53,305,711.82	53,452,556.72	50,488,806.53	.....
May	58,369,952.26	55,370,363.84	55,389,211.77	.....
June	84,795,507.53	88,438,114.00	125,280,727.05	.....
Total	691,778,465.37	724,111,229.84	734,343,700.20	124,297,071.85

THE NECESSITY FOR THIS LEGISLATION CAN NOT BE TRACED TO THE TARIFF ACT OF 1913.

If it had not been for the war in Europe, the tariff act of October 3, 1913, and the other sources of revenue would have yielded sufficient revenue to meet the demands of the Government.

The above table shows that during the fiscal year 1914 the customs revenue collected amounted to $292,000,000. Of this amount $85,500,000 was collected before the present law went into effect. The customs revenue collected during the first 9 months the new law was in effect amounted to $206,500,000, or $22,900,000 per month. The customs revenue collected during the fiscal year 1913 (the last year the Payne law was in operation) amounted to $318,891,395.86, or $26,600,000 per month. The new tariff law provides an income tax to make up for the reduction in customs revenue because of the lowering of the tariff taxes.

For the last 10 months of the calendar year 1913 there accrued from the income tax on individuals $31,344,539. The amount of corporation, excise, and income tax accruing for the entire calendar year of 1913 was $45,851,028. The total amount of the excise tax on corporations derived by the Treasury for the calendar year 1912 was $35,006,299. The new income tax law eliminated the corporation exemption of $5,000, added to the tax list many corporations not subject to the excise tax, and also imposed a graduated rate upon corporations holding stock in others. These provisions account for the entire difference between the receipts from corporations for the year 1912 and the year 1913, which difference is $10,844,729. This sum added to the amount of income tax accruing from individuals for the year 1913, viz, $31,344,539, would aggregate $42,189,268, or $4,000,000 per month. Adding the average monthly customs receipts to the average monthly income tax receipts under the new law gives $26,900,000, as compared with $26,600,000 under the act of 1909. This average monthly comparison only extends to the close of the fiscal year 1914.

For the present fiscal year 1915 the comparison is much more favorable to the new tariff and income-tax law, for the reason that the individual income-tax law only covered 10 months of the year 1913, and in reality only reaching all semiannual incomes payable in January and July for 4 months of that year and all like quarterly income payable in January, July, and October for but 7 months of that year. Considering the unsettled business conditions during the year 1914, largely on account of disturbed international commercial and other conditions, the best obtainable figures as to the estimated amount that will accrue from the corporation tax for 1914 is $42,500,000, while the same estimates from individual income tax is $42,500,000, making a total of $85,000,000. Deducting from this amount $35,000,000 that would otherwise have accrued from corporation excise tax under the act of 1909 leaves $50,000,000, or $4,166,000 per month that would accrue to the Treasury from the income tax for the fiscal year 1915. Adding this average monthly yield to the average monthly yield of the present tariff law gives $27,066,000, as compared with $26,600,000 under the act of 1909. These estimates of the income tax are exceedingly conservative.

The customs revenue collected during the fiscal year 1913 amounted to $318,891,395, as compared with $292,128,527 for the fiscal year 1914. The customs revenue, therefore, fell off $26,762,868, which amount was more than made up by the $31,344,539 accruing from individual incomes, and the $10,844,729 additional tax accruing from corporations, as heretofore explained.

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THE EFFECTS OF THE EUROPEAN WAR.

The countries now at war comprise Austria-Hungary, Belgium, France, Germany, Japan, Russia, Servia and Montenegro, and the United Kingdom of Great Britain. If it were not for war conditions and the amount of imports had remained the same as those of last year, the customs taxes levied by the present tariff act from said countries would have yielded $133,079,000. This does not include the importation from the other countries that will naturally be affected by the war and which if included would bring the customs revenue that is directly affected by war conditions to an amount over $150,000,000. The fact that the ships of these belligerent countries carried over 80 per cent of the foreign commerce entering our ports and the further fact that war conditions have disturbed the lines of transportation belonging to these countries and forced many of their tramp steamers to remain in port, will seriously affect the importation of merchandise coming from neutral countries, and thereby cause a diminution of customs revenues from neutral as well as belligerent nations.

It is impossible to accurately determine at this time the full extent of the falling off of the customs revenues, but when we consider that most of the available male population in Austria-Hungary, Germany, France, and Belgium are serving in the armies, and are necessarily withdrawn from the mills and factories, that many of the mills and factories in these countries obtain their raw material from abroad, and that it can not be obtained under present war conditions, it is apparent that the importations from these countries must cease almost entirely.

The usual customs revenue coming from the above-named European countries would amount to more than $100,000,000. The usual customs revenue from Great Britain is more than $40,000,000, and, although there will undoubtedly continue to be importations coming from the British Isles to this country, it is fair to estimate that there will be a considerable falling off in this part of the customs revenue.

DECREASE IN CUSTOMS REVENUE BECAUSE OF THE WAR IN EUROPE.

We have therefore reached the conclusion that it is conservative to state that the loss of customs revenue that will be caused by war conditions abroad for one year will be $100,000,000. This amount, unless replaced by taxes from some other source, will cause a serious deficit in our Treasury balance. It is true that at this time we have a general fund balance in the Treasury amounting to about $119,000,000. About $75,000,000 of this money is now deposited in the national banks of the country to assist in the movement of crops and to meet the Treasury daily needs when required. Of the remaining Treasury balance there is a large amount in subsidiary coin and bullion, which is not available for use in meeting current obligations.

THE QUESTION CONFRONTING CONGRESS.

The question, therefore, confronts us as to whether it is advisable to call in this surplus from the banks at this time or to levy additional taxes to take care of the loss of revenue caused by the war in Europe. All conditions throughout the civilized world have been disturbed and interfered with by the war in Europe. The great nations of Europe have gone to a paper basis and gold has gone to a premium. International exchange has been interrupted and must be reestablished on a new basis. The usual course of exports abroad that we expected to return gold to this country within the next four months has been interrupted and interfered with, bringing about a more or less demoralized condition of business in our own country and has placed a tremendous strain on our banking facilities. It is therefore deemed unwise at this time to withdraw Government funds from the banks of the country, because, if the Government now withdraws its funds, it will necessitate the banks reducing their credits, embarrassing the movement of our crops, and reducing our Treasury working balance to the minimum, and probably bringing disastrous conditions to our people. It therefore seems to be the part of wisdom for the Congress to levy a tax at this time to take care of the deficit in our customs revenues brought about by conditions over which our Government and our people have no control.

FROM WHAT SOURCE CAN THE NECESSARY REVENUE BE BEST SECURED?

The question, then, arises as to what source we shall turn to secure the additional revenue; what taxes can be levied that will respond to the Government's needs immediately and be of the least burden to the people who are compelled to pay them? The disturbed conditions of our customs revenues are such that it is impossible to turn in that direction with any degree of certainty to raise a large amount of money, and certainly there is no opportunity open for the Government to raise from additional customs revenue the amount that would in any way respond to the existing governmental needs.

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We then have the choice of increasing the revenue derived from the income tax or levying an internal revenue tax to secure the amount of revenue required.

The present machinery of the income tax law provides for the payment of the taxes in the month of June each year. If we do not withdraw our present available Treasury balance from the banks, we can not wait until June of next year to get the revenue on account of the existing monthly requirements of the Treasury. We must turn to a source of revenue that will immediately bring money into the Treasury of the United States. We must, therefore, as a last resort to meet the present emergency, increase our present internal revenue taxes or levy additional internal revenue taxes to meet the demands of the Government.

THE PROPOSED EMERGENCY MEASURE.

The taxes proposed in this measure with two exceptions were assessed subsequent to and during the Civil War and in the war-revenue act of June 13, 1898. Therefore this measure opens up no new and untried system of taxation. While this country is not at war, it finds its Treasury balance rapidly falling off because of the decline in importations due to the present war in Europe. In framing this measure the committee has endeavored to propose taxes that can be collected by the present force of internal-revenue officials, slightly increased in number, with a small additional expense, and with a minimum disturbance of trade.

The bill H. R. 18891 proposes to supplement the Government revenues by increasing the tax that is now levied on beer, lager beer, ale, porter, and other similar fermented liquors by increasing the present tax of $1 a barrel to $1.50 a barrel. It is estimated that this increase in taxation will produce an additional annual revenue amounting to $32,500,000.

The proposed bill levies a tax of 12 cents a gallon on dry wines manufactured and sold in the United States, and a tax of 20 cents a gallon on sweet wines manufactured and sold in the United States. It is estimated that the annual revenue derived from this tax will amount to $6,000,000.

A tax of 2 cents per gallon is levied upon gasoline, naphtha, and other similar products obtained from crude, partially refined, or residuum oils. It is estimated that this tax will bring to the Government a revenue of $20,000,000 a year.

SPECIAL TAXES.

It is proposed to levy the following special taxes: A tax on bankers of $2 for each $1,000 of capital used or employed; brokers, $50; pawnbrokers, $20; commercial brokers, $20; customhouse brokers, $10; proprietors of theaters, museums, and concert halls in cities having more than 15,000 population, $100; proprietors of circuses, $100; proprietors of other public exhibitions or shows, $10; and proprietors of bowling alleys and billiard rooms, $5 for each alley or table. It is estimated that the above special taxes will yield $10,000,000 during the first 12 months this law is in effect.

SPECIAL TAXES ON TOBACCO DEALERS AND MANUFACTURERS.

In addition to the above special taxes, it is proposed to tax dealers in leaf tobacco and manufacturers of tobacco whose annual sales do not exceed 50,000 pounds, $6; those whose annual sales exceed 50,000 and do not exceed 100,000 pounds, $12; and those whose annual sales exceed 100,000 pounds, $24. The bill levies the following taxes on manufacturers of cigars: Manufacturers of cigars whose annual sales do not exceed 100,000 cigars, $6; those whose annual sales exceed 100,000 and do not exceed 200,000 cigars, $12; and those whose annual sales exceed 200,000 cigars, $24.

Each manufacturer of cigarettes will be taxed $24, and a special tax of $4.80 per year is levied on all other dealers in tobacco. It is estimated that the Government will receive $5,000,000 per year from the taxes levied on tobacco dealers and manufacturers.

The bill also proposes a tax upon telephone companies of 1 cent for each message or conversation for which a charge of 15 cents or more is made and a tax upon telegraph companies of 1 cent for each dispatch or message sent. It is estimated that the tax upon telephone and telegraph companies will yield to the Treasury during the first year this bill is in operation $1,500,000.

STAMP TAXES.

The stamp-tax provisions of the proposed bill are largely a reenactment of certain of the stamp-tax sections of the war-revenue act of June 13, 1898. In framing this schedule the committee has endeavored to select articles that will most equitably distribute the tax burden and at the same time be immediately responsive as revenue producers.

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The committee believes that, by rigid economy in expenditures, the stamp taxes levied in the proposed bill will not be necessary for a longer period than 14 months, and therefore we have provided that the stamp-tax provision shall remain in force only until January 1, 1916.

It is estimated that for the first 12 months the stamp-tax provisions are in operation the Government revenue therefrom will amount to $30,000,000.

The following table shows the articles on which stamp taxes will be levied under the proposed bill and the proposed rate of tax:

Articles upon which a stamp tax is levied and the rate of tax.

Article.	Tax.
Bonds, debentures, or certificates of indebtedness, etc., for each $100	$0.05
Certificates of stock, original issue, for each $100	.05
Certificates of stock, transfers, for each $100	.02
Sales of products at exchanges, for each $100	.01
Promissory notes, for each $100	.02
Express receipts	.01
Freight receipts or domestic bills of lading	.01
Bonds of indemnity and bonds not otherwise specified	.50
Certificate of profits, for each $100	.02
Certificate of damage	.25
Certificates not otherwise specified	.10
Broker's contract	.10
Conveyances, exceeding $100, for each $500	.50
Entry of goods at customhouse (according to value)	$0.25–$1.00
Entry for withdrawal of goods from customs bonded warehouse	.50
Insurance:	
Life, on each $100 of the amount insured	.08
Marine, inland, and fire, on each $1 of premium charged	.04
Casualty, fidelity, and guaranty, on each $1 of premium charged	.04
Mortgages and conveyance in trust, exceeding $1,000, for each $1,500	.52
Passage ticket (according to value)	1.00– 5.00
Power of attorney to vote	.10
Power of attorney to sell	.25
Protest of note, check, etc	.25
Sleeping and parlor car tickets	.02

GOVERNMENT REVENUES.

Should this bill become a law as proposed by the committee, we confidently estimate that the revenue that will be derived during the first 12 months this bill is in operation will amount to $105,000,000, distributed as follows:

Fermented liquors	$32,500,000
Wines	6,000,000
Gasoline	20,000,000
Special taxes	16,500,000
Stamp taxes	30,000,000
Total	105,000,000

We are of the opinion that this additional revenue will provide sufficient funds to meet governmental expenditures until the falling off of the revenue caused by the disturbed conditions of Europe have ceased and the normal revenues derived at the customhouse have reestablished themselves, at which time the taxes provided for in this bill will no longer be necessary to take care of governmental expenditures and the law will be repealed.

OSCAR W. UNDERWOOD, *Chairman.*
CLAUDE KITCHIN.
HENRY T. RAINEY.
LINCOLN DIXON.
CORDELL HULL.
W. S. HAMMOND.
A. MITCHELL PALMER.
TIMOTHY T. ANSBERRY.
JOHN N. GARNER.
JAMES W. COLLIER.
AUGUSTUS O. STANLEY.
CLEMENT C. DICKINSON.
MICHAEL F. CONRY.
JOHN J. MITCHELL.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 814.

IMPROVEMENT OF EAST RIVER AND HELL GATE, N. Y.

OCTOBER 8, 1914.—Ordered to be printed.

Mr. O'GORMAN (for Mr. SIMMONS), from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. J. Res. 194.]

The undersigned members of the Committee on Commerce hereby agree that Senate joint resolution No. 194 (introduced by Senator O'Gorman), relating to the improvement of East River and Hell Gate, N. Y., be favorably reported.

F. M. SIMMONS.
T. E. BURTON.
KNUTE NELSON.
WM. ALDEN SMITH.
GEO. C. PERKINS.
JAS. K. VARDAMAN.
GEORGE T. OLIVER.
GEO. E. CHAMBERLAIN.
MORRIS SHEPPARD.
THOMAS S. MARTIN.
BANKHEAD,
By JAS. C.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 816.

REGISTER AND ENROLLMENT OF VESSELS BUILT IN FOREIGN COUNTRIES UNDER CERTAIN CIRCUMSTANCES.

OCTOBER 8 (calendar day, OCTOBER 10), 1914.—Ordered to be printed.

Mr. FLETCHER, from the Committee on Commerce, submitted the following

REPORT.

[To accompany S. 2335.]

The Committee on Commerce, to whom was referred the bill (S. 2335) to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or near-by waters and salved by American citizens and repaired in American shipyards, having considered the same, report thereon with a recommendation that it pass.

December 23, 1852, a statute was enacted which became section 4136 of the Revised Statutes, to wit:

SEC. 4136. The Secretary of the Treasury may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

This remained the law until April 11, 1906, when Congress passed an act repealing this section. A bill was introduced in the Fifty-ninth Congress (S. 1007) to this effect, and seems to have met with the favor of the Secretary of Commerce and Labor, as shown by the ollowing communication:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, December 14, 1905.

SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, transmitting S. 1007, a bill to repeal section 4136 of the Revised Statutes relating to the admission to registry of repaired foreign wrecks, and requesting me to furnish the committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

Section 4136 of the Revised Statutes embodies the provisions of the act of December 23, 1852. At that time there was relatively little difference in the cost of building wooden sail vessels, in general use here and abroad. The act, accordingly, originally did not materially injure and, in some cases, may have aided American shipbuilding.

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In the present time of steel steamers, when the cost of construction abroad is much less than in this country, the general operation of section 4136, Revised Statutes, is disadvantageous to American shipbuilding. Even if the privilege of American registry were not extended to them in most instances these wrecks would, necessarily, be repaired in American shipyards.

Only in the few instances where the damages are relatively inconsiderable could such wrecks be partially repaired in the United States and then sent abroad for completion of repairs. In such cases the vessels would not be entitled to registry unless a large salvage account had been incurred and is included in the repairs put upon the vessel. Under the ruling of the Attorney General contemporaneous with the passage of the act the allowance of such salvage for half a century has been permitted.

The department recommends the direct repeal of section 4136 of the Revised Statutes, as proposed by this bill. The reasons for this recommendation are further set forth in the Report of the Commissioner of Navigation for 1905, a copy of which is inclosed herewith.

Respectfully,

V. H. METCALF, *Secretary.*

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

The burden of the objections to section 4136 made by the Commissioner of Navigation, above referred to, was that his bureau had a limited clerical force, incapable of giving the proper investigation to the important subject involved, and that the committees of Congress could examine more thoroughly into each case as it presented itself. There can be no doubt that the Congress at the time of the repeal of the above section (Apr. 11, 19 6, sec. 4136) did not intend a departure from the thoroughly established policy of our Government and our people to admit ships, which are three-fourths (75 per cent) American, to registry and enrollment (and which had worked well for 54 years, as shown by the record of the tonnage admitted), but only to change the tribunal from Commissioner of Navigation to the Congress itself. This is clearly shown by the debates in the Fifty-ninth Congress, first session (see Congressional Record, pp. 2610–2615, inclusive), some portions of which are hereto appended:

* * * * * * *

Mr. UNDERWOOD. Do I understand that if we pass this bill, for a wrecked ship to get American registry it has to come to Congress? I do not understand that it does now. I understand that the Department of Commerce and Labor, if three-fourths of the ship is new and built in America, can give it American registry.

Mr. GROSVENOR. And it simply proposes on their own recommendation that that power be taken from them, but all the other rights and privileges are retained in the law.

Mr. UNDERWOOD. But there will be no rights and privileges left?

Mr. GROSVENOR. They are all left except that one privilege.

Mr. UNDERWOOD. That is the privilege of American registry?

Mr. GROSVENOR. No; I have stated that there are four ways that a ship can get American registry, and this takes away only one of them and leaves all the others exactly as they are now.

* * * * * * *

Mr. LACEY. Then, if I understand the gentleman, the policy of allowing our flag to float over a ship three-fourths American cost is not objected to by the committee, but it is merely a method of getting at it?

Mr. GROSVENOR. That is all; it is to get rid of a cumbersome and in many cases a fraudulent process.

Mr. WILLIAMS. Mr. Speaker, the gentleman has said this department says that they have practically no way to ascertain, and yet I notice here in the extract from the annual report of the Commissioner of Navigation of 1905, this language:

"The remainder, 48"—

That is, 48 ships—

"of 76,101 gross tons, were admitted under section 4136 of the Revised Statutes."

Which is the section you propose to repeal?

Mr. GROSVENOR. Yes.

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Mr. WILLIAMS. It would appear from that in 48 cases the department did think that it had the means to ascertain and admit the ship to enrollment.

* * * * * * *

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from Ohio a question. Will the passage of this bill facilitate putting the American flag on foreign-built ships wrecked on our coasts or would it not? If it will, I favor it; if it does not, I am against the bill.

* * * * * * *

Mr. SULZER. Is not the department capable of ascertaining the facts in a case of this kind?

Mr. GROSVENOR. The department comes and asks Congress to relieve them of that duty.

Mr. SULZER. Then hereafter every case of this kind will have to be submitted to the Congress of the United States.

* * * * * * *

Mr. ADAMS of Pennsylvania. As I understand it, the object of this is to relieve the Department of Commerce and Labor of this extra work?

Mr. GROSVENOR. Not only that, but to assure that the work will be done faithfully and carefully by Congress itself.

Mr. MCNARY. Mr. Speaker, I would like to ask the gentleman from Ohio if the real purpose of this is not the demand of some of the shipbuilders to prevent any of these ships coming under American registry?

Mr. GROSVENOR. Not at all, because if they did they would have to repeal the whole law.

Mr. MCNARY. Is it not a practical repeal of the law to bring these wreck cases before Congress?

* * * * * * *

Mr. GROSVENOR. We have no such information. On the contrary, not a shipbuilder in the United States, so far as I know, has asked for the passage of this bill. It merely came as a request of the Department of Commerce and Labor. It was introduced by Senator Frye in the Senate, the report made upon it, and then it came before the Committee on Merchant Marine and Fisheries and received the unanimous report, and nobody has opposed it, and nobody has asked for it except the department.

* * * * * * *

Mr. MCNARY. I would like to ask the gentleman if he favors absolutely prohibiting the repair and giving American register to these vessels wrecked on the American coast?

Mr. GROSVENOR. I do not. I favor it, and, on the contrary, I am glad that the gentleman made these suggestions. The report of the Department of Commerce and Labor informs us that the making of repairs in this country will cut no figure under this bill, because if they have come within the jurisdiction of the United States they will be repaired here, and the question of labor to the American mechanic does not enter into this question—not a single cent whatever. Now I will yield to my colleague on the committee, the gentleman from New York. How much time does the gentleman want?

* * * * * * *

Mr. WILLIAMS. Mr. Speaker, this is a very important bill. It is a bill which is going very much further in principle and in effect than this House realizes, and one side of this debate ought not to control it. There ought to be opportunity to be heard in opposition to it in one's own right, and not by the free grace of those who are in favor of the bill.

I hope, therefore, that the House will vote down the previous question, so that this bill can be debated.

Mr. GROSVENOR. Mr. Speaker, I demand the previous question.

Mr. DE ARMOND. Will the gentleman yield to me a few minutes?

Mr. GROSVENOR. I yield to the gentleman from Missouri five minutes.

Mr. DE ARMOND. Mr. Speaker, it seems to me this measure is one of sufficient importance, notwithstanding the committee has reported it unanimously, to receive consideration in the House before it is voted on.

As the law now stands, a foreign vessel wrecked in our waters and repaired under certain conditions stated in the law may become, by registry, an American vessel. The proposition is to repeal that provision of law, so that there will be no possibility of turning a wrecked foreign ship into an American ship, no matter how great the repairs may be, no matter how small the original value left in the wreck may be,

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compared with the addition made by the repairs, except through special legislation of Congress.

I am one of those who believe that whenever provision can be made by general law for accomplishing a desired object, it is better to accomplish it in that way than by special legislation; by special appeal to Congress in special cases.

It seems to me, therefore, that this bill ought not to pass; that, upon the contrary, we ought to permit the registry of these wrecked foreign ships upon terms more liberal instead of absolutely prohibiting it by general law. Gentlemen will understand that the general law now permits it. The proposition is to repeal that law and to leave no way of securing registry for these wrecked and repaired ships except by special act applying to each special case. Now, if special laws ought in any case to be passed, it seems to me that this law is wholesome and ought to remain on the books. The practical effect will be that when attempt is made in the future to obtain registry by special act we shall be confronted with the same kind of opposition to the putting of foreign ships under any circumstances under American registry which, I am afraid, prompted the reporting of this bill, although the report is said to be unanimous. It seems to me that this bill is in the interest of a comparatively few shipbuilders; in the interest and in perpetuation of a policy which has well-nigh driven the American merchant marine from the sea. It appears to me that the slight increase in our shipping which may come in this most legitimate way, a way entirely harmless and unobjectionable, as it seems to me, ought to be permitted.

We talk about rehabilitating the American merchant marine. Some people talk about the necessity of a subsidy for that purpose, and here we are about solemnly to repeal the only provision of general law by virtue of which a wrecked foreign-built ship may come under American registry. Certainly we are not very anxious to legitimately increase the American merchant marine when we are ready to repeal the only existing law by virtue of which it can be recruited from foreign wrecked ships. I think the bill, instead of passing, ought to fail of passage.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. DE ARMOND. Certainly, if I have the time to answer it.

Mr. CLAYTON. I could not quite catch all the gentleman's remarks; but am I to understand from what you have said that you have given an examination to this bill, given it at least some consideration, and you are of the opinion that, instead of encouraging and enlarging the growth of the American merchant marine, it is a step toward restricting the growth and building up of the American merchant marine?

Mr. DE ARMOND. Undoubtedly, I think so, Mr. Speaker.

Mr. CLAYTON. And it ought not to pass?

Mr. DE ARMOND. There is a law by which foreign wrecked ships may obtain American registry, and the proposition is to repeal it, and leave no door open to that registry except by special act of Congress in each special case. That is certainly restriction, and not encouragement.

The bill (S. 2335) proposes to reenact the old section 4136 as it existed for some 54 years with certain additions which will more completely safeguard its provisions.

Under its provisions to entitle a foreign-built vessel to United States register or enrollment, such vessel must be: First. Wrecked on the coasts of the United States or her possessions or adjacent waters. Second. She must be purchased by a citizen or citizens of the United States. Third. She must be repaired in a shipyard in the United States or her possessions. Fourth. The repairs put upon such a vessel must be equal to three times the appraisal salved value of the vessel. Fifth. The expense of the appraisal shall be borne by the owner of the vessel. Sixth. If any of the representations made to obtain the register are not true, the vessel, her tackle, apparel, and furniture shall be forfeited to the United States.

Under the law as it now exists no such vessel can obtain American registry except by a special act of Congress. It is manifestly absurd to require that in case a foreign vessel is wrecked on our coasts and is salved by American tugs, refusing to pay the salvage, is libelled and sold by decree of court, and is purchased by the salvors to protect themselves, it can not be given American registry and put to use until the salvors shall have a bill introduced in Congress, appear

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in Washington and make proof of all their allegations, have the bill favorably reported by committees, passed by both Houses of Congress, and approved by the President. The well-known delays, expense, and trouble of such a performance make it practically prohibitory and works a hardship on the people who have saved the wreck, often the people who have repaired the wreck, and benefits no one.

To illustrate, an instance may be mentioned where a Spanish sailing vessel was wrecked on the Florida coast near the mouth of the St. Johns River. Tugs operating on the river succeeded in getting the vessel, badly damaged, off the shore, and their claim being unpaid they were required to libel the vessel, and she was sold under the decree of the admiralty court at public outcry after due notice and purchased by the salvors, who were forced to bid approaching the amount of their claim in order to protect themselves, and they subsequently sold her to an American citizen, who had her repaired in the shipyards at Jacksonville at a cost nearly five times what she brought at public sale. He attempted to put her in trade, was informed that he must procure an act of Congress giving her American registry and enrollment. He had a bill introduced to that effect, but never got it out of the committee, because he was informed that the policy of the Government was not to permit American registry of foreign-built vessels, as shown by the act of Congress of 1906 repealing the old section passed in 1852. In the meantime he was put to the expense of a watchman and supplies, care, and upkeep of the vessel, and more than a year elapsed, all of which resulted finally in his being unable to get the vessel in service at all and being obliged to dismantle her and sell all her parts as junk at a tremendous loss to all parties concerned.

It would appear no reasonable grounds for opposing this measure can be urged. It can not be claimed that such a law would operate against shipyards and shipping interests. In the 10 years prior to 1906 there were admitted only 33,048 gross tons, amounting to 3,304 tons per year, which is less than the size of a small steam coastwise vessel. There is no danger of lining our coast with foreign tonnage. On the other hand, there have been only two vessels admitted to American registry, and that was done by special act of Congress, since the Fifty-ninth Congress.

Our shipyards and repair shops have not been benefited by such a condition. The repealing of the old act of 1852, which, it is suspected, was brought about largely by the shipbuilders, has not had, evidently, the effect upon their business they imagined it would have. Wrecked vessels practically rebuilt in the United States ought to have the same privilege that vessels would have if wholly built in the United States. The rebuilding of three-fourths of a vessel ought to be encouraged, as well as the building of a vessel entire. The repeal of the act of 1852 has had an adverse effect as to the shipyards and the repair shops, and particularly as to labor and those engaged in the manufacture of equipment. The passage of this bill will tend to increase our mercantile marine and put in service under our flag on the high seas additional vessels. The existing restrictions are unwise and ought to be removed. A bill similar to this was passed without opposition by the Senate in the

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Sixty-second Congress, second session, but was not reached in the other branch of Congress before adjournment.

As throwing light on the subject, there is attached as Exhibit A a memorandum of foreign vessels wrecked, salved, and admitted to American register from 1885 to 1912, inclusive:

EXHIBIT A.

Memorandum of foreign vessels wrecked, salved, and admitted to American register.

Name.	Ex name.	Rig.	Date admitted.	Owners at time of admission.
Caroline Miller	Dawn	Steamship	1885	McCaldin Bros.
Starbuck	Oliveto	do	1885	W. H. Starbuck.
Mars	Scotia	do	1887	Boston Tow Boat Co.
Progreso	Well City	do	1887	New York & Yucatan Steamship Co.
Santuit	Atlas	do	1889	L. G. Burnham & Co.
San Benrito	Kimberley	do	1890	Pacific Improvement Co. (C. P.)
Saginaw	Benison	do	1889	Wm. P. Clyde Huntington.
Elihu Thompson	Italia	do	1890	Sprague & Breen.
Conemaugh	Scarobosco	do	1890	International Navigation Co.
Shawmut	Enchantress	do	1887	L. G. Burnham & Co.
Washtenaw	Oxford	do	1895	Saginaw Steamship Co.
May Flint	Persian Monarch	Ship	1895	Chas. R. Flint.
Pensacola	New Borough	Steamship	1895	Louisville & Nashville R. R.
Miami	Nerito	do	1895	T. Hogan Sons.
Mattewan	Asturian Prince	do	1895	Do.
Menemsha	Dryden	do	1897	Do.
Merrimac	Solveig	do	1897	Do.
Sterling	Lamington	do	1896	C. A. Campbell & Co.
Navahoe	Thuringer	do	1897	Wm. P. Clyde.
Evelyn	Badsworth	do	1897	Miller, Bull & Knowlton.
Enterprise	St. George	do	1902	M. & C. D. & W. Co.
Marie	Eurkaro	do	1907	Merritt & Chapman.
Success	Hero	do	1907	Do.
Damara		do	1912	James C. Eschen.
Jos. W. Fordney	Beaumont	do	1904	F. R. Gilchrist.
Coamo	California	do	1904	New York & Porto Rico Steamship Co.
Berwind	Boston City	do	1905	Do.
Massapequa	Massapequa	do		Do.
Arcadia	Arcadia	do	1898	
Wimber	Daventy	do	1905	Do.
Brooklyn	McPherson	do	1905	Lewis Luckenbach.
Carolyn	Parksgate	do	1902	A. H. Bull & Co.
Edith	Glenochill	do	1901	Northwest Steamship Co.
Lassell	Lassell	do	1900	McCaldin Bros.
Lansing	British Queen	do	1903	Michigan Steamship Co.
Roma	Roma	do	1902	Progress Steamship Co.
Peconic	Peconic	do	1905	D. H. E. Jones.
Florida	Hondo	do	1883	H. B. Plant.
Australia	Australia	do	1890	Oceanic Steamship Co.
Bluefields	Wm. Coulman	do	1889	Baltimore Fruit Co.
Carib	Pres. Garfield	do	1898	Wm. P. Clyde.
Harry Luckenbach	Michigan	do	1900	L. Luckenbach.
Julia Luckenbach	Sytria	do	1900	Do.
J. L. Luckenbach	Saale	do	1900	Do.
Dorothy	Iberia	do	1904	M. & C. D. & W. Co.
Hilonian	Gaditano	do	1906	Matson Navigation Co.
Atlas	Lornty	Ship	1887	L. H. Burnham.
Felix	Felix	Bark	1891	F. L. Neill-Thos. Scully.
Bruce	Conv. Bge	Ship	1882	
Bangalore	Bangalore	do	1897	A. D. Carver.
Westfield	South American	Bark		Walter Werghst in Jackson.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 817.

PUBLIC BUILDING AT LA JUNTA, COLO.

OCTOBER 8, 1914 (Calendar day, OCTOBER 12).—Ordered to be printed.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany H. R. 12665.]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12665) to increase the limit of cost of public building at La Junta, Colo., having considered the same, beg to report thereon with the recommendation that the bill pass.

The following is the report of the Committee on Public Buildings and Grounds of the House of Representatives, which we adopt as reasons for a favorable report:

The purpose of this bill is to authorize the expenditure of $10,000 additional in order that the building may be constructed as originally planned.

The present limit of cost for the construction of the building is $75,000, the citizens of La Junta having donated a site valued at approximately $20,000. Drawings were prepared and the work was placed on the market, the lowest bid received being some $9,000 in excess of the amount available. The Treasury Department believes that if $10,000 additional is authorized the building can be constructed as planned.

The report of the department on this project is as follows:

TREASURY DEPARTMENT,
Washington, July 2, 1914.

SIR: Referring to the proposed Federal building at La Junta, Colo., for the construction of which, including the cost of a suitable site, the sum of $75,000 has been authorized, I have the honor to advise that after advertising for proposals for the building the lowest submitted was approximately $9,000 in excess of the amount for which it would be safe to award a contract, and therefore all proposals have been rejected.

Confirming the telephonic statement recently made by the department to your committee, it is estimated that the building can be constructed as originally designed, provided the present limit of cost be increased by an amount not less than $10,000.

Respectfully,

W. G. MCADOO, *Secretary.*

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 818.

LABELING AND TAGGING OF FABRICS ENTERING INTO INTERSTATE COMMERCE.

OCTOBER 8 (calendar day, OCTOBER 13), 1914.—Ordered to be printed.

Mr. POMERENE, from the Committee on Manufactures, submitted the following

REPORT.

[To accompany S. 646.]

The Committee on Manufactures, to which was referred Senate bill 646, entitled "A bill providing for the labeling and tagging of all fabrics and articles of clothing intended for sale which enter into interstate commerce, and providing penalties for misbranding," beg leave to report that it has considered said bill and recommends that it be amended as follows:

1. Amend the title thereof by striking out of the title the words "of clothing" and inserting in lieu thereof the words "made therefrom," inserting a comma after the word "therefrom" and another comma after the word "sale."

2. Insert between the word "person" and the word "to," in line 3 of page 1 of the printed bill, the words "within any Territory or the District of Columbia," with commas before and after such insertion.

3. Strike out of lines 4 and 5 of page 1 of the printed bill the words "within any Territory or the District of Columbia."

4. Strike out of lines 5 and 6 of page 1 of the printed bill the words "of clothing of wool, cotton, silk, hair, or fiber, in whole or in part," and insert in lieu thereof the words "made therefrom."

5. Strike out of line 11 of page 2 of the printed bill the words "of clothing" and insert in lieu thereof the words "made therefrom."

6. Insert between the word "Columbia" and the word "or," in line 15 of page 2 of the printed bill, the words "to any State or Territory or the District of Columbia."

7. Strike out the period at the end of line 15 of page 3 of the printed bill and at the end of line 15 of page 3 of the printed bill insert the words "or to any other State or Territory or the District of Columbia."

8. Insert between the word "fabrics" and the word "are," in line 20 of page 3 of the printed bill, the words "or articles made therefrom."

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9. Insert at the end of section 4 of the printed bill, to be a part of said section 4, these words:

And that from time to time the Bureau of Chemistry shall publish the results of examinations of all fabrics tested under this act, stating the kind of fabric, its composition, name, and such other facts as may be deemed advisable: *Provided, however*, That only the name of the person who has misbranded it shall be given in connection with a fabric or article found to be misbranded.

10. Insert at the end of section 5 of the printed bill, to be a part of said section 5, these words:

That for the purposes of this act, the term "fabric" shall be understood to mean any product made by spinning, twisting, knitting, weaving or felting, any animal, vegetable or manufactured fiber of any description, or any combination of two or more of said fibers or products by processes of manufacture: *Provided*, That nothing in this act shall be construed to apply to the manufacture of paper, unless such material is used as part of an article of clothing.

11. Strike out of the printed bill all of sections 6 and 7.

12. Insert after the word "any," in line 3 of page 5 of the printed bill, the word "person."

13. Strike out of lines 3 and 4 of page 5 of the printed bill the words "manufacturer of" and insert in lieu thereof the word "manufacturing."

14. Strike out of lines 4 and 5 of page 5 of the printed bill the words "any person who makes any article of clothing" and insert in lieu thereof the words "articles made therefrom."

15. Insert between the word "figures" and the word "which," in line 7 of page 5 of the printed bill, the words "in the English language."

16. Insert between the word "the" and the word "constituent," in line 9 of page 5 of the printed bill, the words "fiber or the."

17. Strike out of the printed bill all of section 9 thereof and insert in lieu thereof these words:

That for the purposes of this act a fabric or article made therefrom shall be deemed to be misbranded when the mark, tag, or label thereof—

(1) Fails to state plainly in the English language the kind of fiber of which the fabric or article made therefrom is composed; or, when composed of two or more kinds of fibers, fails to state plainly and accurately the proportions of each by weight; or

(2) If the fabric or article made therefrom be composed in whole or in part of fibers which have been used previously in another fabric, or article made therefrom, the mark, tag, or label thereof fails to state correctly this fact together with the proportion by weight of such fiber in said fabric or article made therefrom; or

(3) When the mark, tag, or label does not state correctly the weight per unit length of all fabrics in the piece; or

(4) When the mark, tag, or label fails to state correctly the amount of loading and of sizing in said fabric or article made therefrom; or

(5) When the mark, tag, or label bears any statement or design whatsoever concerning the fabric or article made therefrom which shall be false or misleading in any particular regarding its component parts, processes to which it has been subjected, or any other characteristics.

18. Insert between the word "article" and the word "that," in line 4 of page 7 of the printed bill, the words "made therefrom."

19. Insert between the word "article" and the word "is," in line 16 of page 7 of the printed bill, the words "made therefrom."

20. Insert between the word "article" and the word "which," in line 10 of page 8 of the printed bill, the words "made therefrom."

21. Strike out of line 15 of page 8 of the printed bill the words "of clothing" and insert in lieu thereof the words "made therefrom."

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22. Add at the end of section 12 of the printed bill, as a part of said section, these words:

That any person defacing, mutilating, obscuring, concealing, effacing, canceling, or removing any mark, tag, or label provided for by this act, or causing or permitting the same to be done, with intent to mislead, deceive, or to violate any of the provisions of this act, shall be guilty of a misdemeanor, and for the first offense shall, upon conviction thereof, be fined not to exceed $2,000 or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent conviction thereof shall be fined not to exceed $5,000 or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

23. Strike out of line 15 of page 9 of the printed bill the words "of clothing" and insert in lieu thereof the words "made therefrom."

24. Strike out of line 17 of page 9 of the printed bill the words "of clothing" and insert in lieu thereof the words "made therefrom."

25. Strike out of line 24 of page 9 of the printed bill the words "of clothing" and insert in lieu thereof the words "made therefrom."

26. Strike out of line 25 of page 9 of the printed bill the words "has been once used" and insert in lieu thereof the words "is held for sale by a recognized secondhand dealer."

27. Strike out of line 14 of page 10 of the printed bill the word "thirteen" and insert in lieu thereof the word "fifteen."

Renumber the sections to agree with the foregoing amendments.

As so amended, the committee recommends that the bill do pass. A copy of the printed bill with the amendments recommended made therein, showing the printed bill as it would appear after having been so amended, is herewith submitted.

This bill after its introduction was referred to the Department of Agriculture for its opinion thereon and views as to the need thereof and feasibility of its enforcement. The Department of Agriculture is heartily in favor of the bill. It approves the principle thereof and believes that it is enforceable. Nearly all of the amendments recommended were suggested by the Department of Agriculture, which has taken an active interest in the bill and furnished much valuable information in relation thereto. The Department of Agriculture has been for a number of years experimenting with chemical and other tests upon the detection of the composition of fabrics and declares that it may be successfully done. Its experiments were largely of a practical nature with a view of determining if blankets and clothing furnished the War Department by contractors are true to specifications and whether pure goods or adulterated and an attempted imposition. In this way the Department of Agriculture has been of great aid to the War Department in the way of securing goods as contracted for. Other experiments have been made in other lines with a view of obtaining information valuable to the people of the country.

In a communication under date of May 22, 1913, to the author of the bill, the Senator from Montana (Mr. Myers), Dr. Galloway, then Assistant Secretary of Agriculture, says:

I am inclosing herewith two statements relating to the mixing of various fibers in cloth and other fabrics, one prepared by the Bureau of Chemistry and the other prepared by Mr. O. F. Cook, of the Bureau of Plant Industry.

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The above-mentioned letter from the Chief of the Bureau of Chemistry says:

The letter from Senator Myers of the 9th instant, desiring certain information relative to fabrics, has been received, and we beg to offer the following facts:

In his letter he requests information concerning methods of examination of fabrics. The methods used are such as are well recognized by textile experts, and consist of chemical, microchemical, and microscopical tests. The more important of these tests, stated with as little technicality as possible, are the following:

The animal fibers, such as wool and silk, are of such distinctively different composition from those of vegetable origin that it is a comparatively easy matter to use a chemical solvent which will dissolve the animal fibers, leaving the others intact behind. The weight of a portion of the original goods is first determined, and after treatment the weight is again determined, from which data the percentage is easily obtained. Again, many fabrics are woven from yarns composed of only one kind of fibers, as, for example, many fabrics have cotton warp and wool or silk filling, or vice versa. Cotton and linen towels are frequently made with a cotton yarn for filling and linen for the warp, and woven in such a manner that the linen mostly comes on the outside to give greater absorbent power. In all such cases, the different threads are unraveled, and the percentage of each is very accurately determined. The kind of fibers of which the threads themselves are composed is determined largely by microscopical means. Thus, wool has a fiber with markings very different from silk, and cotton has a somewhat flattened, twisted fiber, while linen has a cylindrical fiber with cross lines. Artificial silk has an appearance similar to coarse silk fibers, but because of being of very different composition a microchemical test for silk will show the difference. Shoddy is made from wool fibers which have been previously used in another fabric. The fibers under the microscope have a broken appearance, and the characteristic scales on the fibers have been in whole or in part worn away, giving the fibers a much smoother appearance than usual. There is usually apparent the fact that different kinds of dyes have been used, as shown by microchemical tests.

Goods are not infrequently heavily sized. This is sometimes done with fraudulent intent, for it gives the goods the effect of having greater body; but as the material used is most frequently simply a starch preparation, it is removed the first time the fabric is washed.

Another form of adulteration is seen in the "loading" of silks. The silk is sometimes so loaded that the loading weighs much more than the original silk. It frequently results in making the fiber so brittle that the goods soon crack and are ruined. Much of the loading used is of a mineral character, so that by burning a weighed piece of cloth the amount of ash less the normal amount of ash in silk gives the amount of loading.

Much of the work of the bureau on the line of fabrics has been in examining and testing of samples for the various departments of the Government, and it may be that some of the best examples can be gleaned from these cases:

Case No. 1. A ribbon was sent in by one of the departments which stated it was supposed to be all silk. An examination showed the warp to be silk and the filling cotton. By percentage, only 30 per cent of the sample was silk.

Case No. 2. A contract sample of ribbon contained 33 per cent of silk. One delivery sample had only 21.3 per cent silk.

Case No. 3. This was a group of glass toweling samples, bought as indicated below. The results of the examination are also given:

Sample.	Sold as—	Result of examination.
A	All linen	All linen except a few colored threads.
B	do	Do.
C	do	Do.
D	do	Filling linen; warp and colored threads cotton.
E	Half linen, half cotton	All linen except the colored threads, which were 25 per cent of sample.
F	All linen	Filling linen; warp and colored threads cotton.
G	Mixed cotton and linen	Do.
H	Cotton	All cotton.

Case No. 4. Contract for certain blankets specified a certain percentage of wool. The amount of wool in some cases was only 50 per cent to 75 per cent of the amount required, while in other cases it exceeded the requirements. Such cases emphasize

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the fact that dealers are often in the dark as to the actual composition of the goods they are offering for sale.

Case No. 5. A pair of trousers bought for all wool after being worn a short time showed the wool facing to be wearing off, exposing a cotton core to the yarn.

Case No. 6. This was one of the most interesting, and came from the Post Office Department. Complaints had been lodged with that department against a certain mail-order house. One sample sent in was an overcoat sold by mail as all wool. An examination showed it to be mungo, in which about 20 per cent of cotton had been used. A short time later a suit of clothes was sent in, and an examination showed this also to have considerable cotton. As a result of these tests, the Post Office Department notified the firm that unless they made the goods to conform to their advertised claims, a fraud order would be issued, to which this firm replied that they ould comply with the order.

Case No. 7. The specifications on a certain grade of flannel called for all wool. The sample submitted by one bidder had only about 50 per cent of wool present, the rest being cotton.

I am sending herewith photomicrographs of the most important textile fibers which will serve to indicate their microscopical characteristics.

The time allowed for preparing a set of exhibit samples is so short that only a few illustrations can be given, but we would be pleased to prepare a more complete set in the future if a few days' time were allowed. In our regular routine work samples, unless of special interest, are destroyed after a short time because of want of adequate storage facilities, hence our lack of a large number of exhibit samples at hand. We have, however, been able to gather a few samples which illustrate some of the points contained in this memorandum.

The above-mentioned letter from the chief of the Bureau of Plant Industry says:

With reference to your question regarding the use of cotton in mixed fabrics I would say that this does not represent the most serious danger to the consuming public. Such mixtures are easily detected, either by direct inspection with a lens or by chemical means. But fabrics of "pure cotton" may be made of such inferior fiber as to be of little or no use.

The protection that the public needs with reference to cotton would not be furnished by preventing mixture of fibers, but would need to guard against the substitution of short, inferior fiber in fabrics that should be made of long-staple cotton. There is no agricultural reason why an adequate supply of long-staple cotton should not be grown. The present careless methods of cotton farming are very largely the result of a commercial development which conflicts with the interests of the consumer as well as with those of the producer.

The simplest and most effective way to supply the public with the needed protection in the case of cotton would be to require that fabrics and other cotton manufactures carry marks or labels certifying the length of the staple of which they are made. On account of the high correlation of this factor with other desirable qualities a simple certification of length would remove a very large part of the temptation to use inferior fiber. The only standard that it would be necessary to establish in the enforcement of such a law would be to determine what percentage of fiber of a given length would be required to justify a certification of that length of fiber for the fabric as a whole.

Whether a similar standard of length could be applied to the same advantage to wool, I am unable to state, but at least it would afford a means of discouraging the use of short pieces of wool fiber, the material that is usually employed in shoddy goods, and that has to be combined with cotton to give the fabric an appearance of strength.

The substitution of the inferior material is made possible in both cases by the improvement of textile machinery. In former decades the public had a measure of protection against inferior cotton from the fact that good staples were required for all of the finer fabrics, but better machines made it possible to spin finer threads of shorter and weaker fiber, until it has become quite impossible for the purchaser to judge of the strength or durability of a cotton fabric. The substitution of inferior fiber has been so gradual that the individual manufacturer can hardly be considered responsible, but the results of the system are very injurious to agriculture and very costly to the consuming public. To place the purchaser again in the position to discriminate against inferior cotton would be a most important economic reform.

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A number of samples and illustrations of the work conducted by the Department of Agriculture were submitted to the committee to prove that the work provided for in the bill is practicable and feasible.

The imposition practiced upon the public by palming off upon and selling to the public mixed and shoddy goods under the claim that they are pure goods and obtaining therefor pure-goods prices has reached enormous proportions, and it is one of the great economical evils and dishonest practices of this age. The people of this country are being constantly defrauded through the putting on the market of misrepresented fabrics and articles of clothing. Manufacturers of any fabric, or article made therefrom, should be required to state on labels, attached to their products, whether such products are pure or adulterated. This bill would not prohibit the manufacture of fabrics that are not pure, for many persons prefer to buy impure goods at low prices rather than pay more for pure goods; but it would exclude from interstate commerce articles that are represented to be what they are not. In most cases dealers are not to blame for the imposition practiced on their customers. The chief trouble is with the manufacturer. The dealer orders of the manufacturer and pays for something which he thinks he is getting, and he in turn represents it to be such to his customer, when many times it is not such, and both dealer and customer are defrauded. The trouble is at the beginning, with the manufacturer, and there is where it should be corrected. This bill does not prohibit the manufacture of any article; manufacturers may continue to turn out what they may please, but its effect is to prohibit the sale of any article that is represented to be genuine when it is not; in other words, to require that fabrics be labeled so the consumer may know whether he is getting a genuine article or a counterfeit. The only way to protect a consumer is by the requirement that the manufacturer place a correct label upon the product. There is a great demand all over the country for legislation of this character.

This bill is fashioned very much along the lines of the pure-food law, which has been of great benefit to the people. Therefore, appropriately, the execution of the provisions of the bill when it may become a law is imposed largely upon the Secretaries of the Treasury, the Department of Agriculture, and the Department of Commerce. Should a measure of this character be enacted and enforced it would bring great benefits to the people, perhaps in time almost equal to the benefits conferred by the pure-food law. Therefore, the committee favorably recommends the bill for passage.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 819.

RELIEF OF CERTAIN SETTLERS IN LOUISIANA.

OCTOBER 8 (calendar day, OCTOBER 14), 1914—Ordered to be printed.

Mr. STERLING, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 5890.]

The Committee on Public Lands, to which was referred the bill (H. R. 5890) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co., having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior be, and hereby is, authorized and directed to immediately take up and resume the adjustment and adjudication of all rights, privileges, and relinquishments granted, conveyed, and confirmed to the New Orleans Pacific Railroad Company, as the assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, by the act of Congress approved February eighth, eighteen hundred and eighty-seven, and entitled "An act to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes," and subject to all the provisions and conditions therein contained, for the protection of actual settlers on said lands at the date of the definite location of said road, their heirs or assigns, and remaining in the possession of said settlers, their heirs or assigns, at the date of this act: *Provided*, That the claims of such settlers, their heirs or assigns, shall be asserted within a period of one year from the passage of this act, and if not asserted within that time shall be forever barred.

H. R. 5890, which is the basis of the legislation reported by this committee, was considered in the Committee on the Public Lands of the House of Representatives on January 26 and 27. Representatives of the railroad company, its grantees, and of the settlers appeared before the committee and made detailed statements of facts and arguments concerning the subject. A favorable report on the bill was made by that committee. However, representatives of the General Land Office submitted for the consideration of the committee two drafts of a substitute bill, the committee reporting substantially draft No. 1, as follows.

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DRAFT No. 1.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized and directed to immediately take up and resume the adjustment and adjudication of all rights and privileges relinquished, granted, conveyed, and confirmed to the New Orleans Pacific Railway Company, as the assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, by the act of Congress approved February eighth, eighteen hundred and eighty-seven, and entitled "An act to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes," subject to all the provisions and conditions therein contained for the protection of actual settlers, their heirs and assigns.

2. On the application of persons to make entry in accordance with the provisions of the act aforesaid, the rights only of those who were actual settlers at the date of definite location, their heirs, or other persons to whom they may have assigned their possessory rights, prior to December first, nineteen hundred and thirteen, will be given consideration as against the outstanding patent or patents to the New Orleans Pacific Railway Company.

3. In determining rights asserted by or on behalf of actual settlers, or their assigns, proof showing actual settlement at the date of definite location, and the existence of such settlement and occupancy at the present time, shall be deemed prima facie evidence of the continuity of the settlement claim.

4. All claims adverse to the New Orleans Pacific Railway Company, or its successors in interest, which shall not be asserted within the period of two years from the passage of this act shall be deemed and considered forever barred.

The Senate Committee on Public Lands appointed a subcommittee composed of Senators Robinson, Ransdell, and Sterling to consider the bill. The subcommittee had prolonged hearings on June 12 and 13. Some parties in interest asked a continuance of the hearings in order that additional proof might be submitted and this was granted. Subsequently the hearings were resumed and concluded, practically four additional days being consumed in the hearing of statements and in the consideration of documents and arguments by the various parties interested in the legislation.

The subcommittee of this committee recommended as a substitute for the bill passed by the House substantially draft No. 2, prepared by the Land Office, with certain amendments designed to make it more specific and with an amendment limiting the period within which claims may be asserted to within one year of the date of the passage of the act

ACT OF CONGRESS OF MARCH 3, 1871.

The act of Congress of March 3, 1871, granted to the Texas Pacific Railroad Co. and its successors certain lands situated in the State of Texas. Section 9 of that act contained the following provision, that—

For the purpose of aiding in the construction of its railroad and telegraph line, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as such line may be adopted by said company through the Territories of the United States, * * * where the same shall not have been sold, reserved, or otherwise disposed of by the United States, and to which a preemption or homestead claim may not have attached at the time the line of said road is definitely fixed. * * *

The department has decided that dates of definite location are specifically determined by the act of February 8, 1887, to wit, October 22, 1881, for that portion of the road from a point in township 2 north, range 1 east, to a point in township 4 north, range 2 west, and from Shreveport to a point in township 10 north, range 12 west, and October 17, 1882, for the balance of the road.

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Much confusion and many controversies having arisen as to the rights of actual settlers within the exterior limits of this grant, the act of February 8, 1887, was passed. Section 2 of said act, after providing that the title granted by the act of March 3, 1871, to the Texas Pacific Railroad Co. (not declared forfeited), is relinquished and confirmed to the New Orleans Pacific Railroad Co. as the assignee of the New Orleans, Baton Rouge & Vicksburg Railroad Co. under certain conditions, containing the following proviso:

Provided, That all such lands occupied by actual settlers at the date of the definite location of said road and still remaining in their possession or in possession of their heirs or assigns shall be held and deemed excepted from said grant and shall be subject to entry under the public-land laws of the United States.

As to lands which had already been patented under the act of 1871 the confirmatory act of February 8, 1887, contained the following provision:

That the patents for the lands conveyed herein that have already been issued to said company be, and the same are hereby, confirmed; but the Secretary of the Interior is hereby fully authorized and instructed to apply the provision of the second, third, fourth, and fifth sections of this act to any of said lands that have been so patented and to protect any and all settlers on said lands in all their rights under the said sections of this act.

ACT OF MARCH 3, 1887.

March 3, 1887, Congress passed an act providing for the adjustment of land grants to railroads. Section 2 of that act provided that whenever it shall appear upon the completion of such adjustment, or sooner, that lands had been erroneously certified or patented by the United States to any railroad company, that the Secretary of the Interior shall demand from said company a relinquishment or reconveyance to the United States, and if such company shall fail to so reconvey within 90 days after the demand it shall be the duty of the Attorney General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents and certifications erroneously issued or made.

Provision was also made whereby good-faith purchasers of land erroneously patented to the railroad company should obtain title from the United States and the railroad company should reimburse the Government.

ACT OF MARCH 2, 1896.

The act of March 2, 1896, relied on largely by the opponents of this legislation, is a general act, contains no repealing clause, and in the opinion of your committee does not apply to settlers whose rights are saved by the special acts hereinabove referred to.

The proposed legislation is not without serious complications and presents difficulties which have been the subject of prolonged consideration by your subcommittee hereinbefore referred to. From a consideration of the whole case, however, we are of the opinion that Congress from the beginning has expressed and manifested its purpose to save and reserve the rights of all persons actually on any of these lands at the time of the definite location of the road. Even patents issued under these acts have referred to the claims and

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rights of actual settlers in such a way, in our opinion, as to put purchasers on notice and to impose upon them some obligation to make inquiry. Moreover, the deeds executed by the claimants under the grant are all quitclaim or special warranty deeds wherein the grantor simply warrants the title as against himself or those claiming through or under him. Taking the language of these deeds in conjunction with the language of the grants hereinabove referred to, we are of the opinion that these constituted notice to the purchasers of the prior rights of actual settlers, their heirs and assigns, occupying the lands in good faith.

The Land Office, while regarding the matter as doubtful, applied the act of 1896 so as to shut out a considerable number of cases, which under the adjustment act of 1887 appears to your committee to be meritorious. The Land Department has changed its views, however, regarding this act, and thinks a mistake was made in giving it the application. An erroneous idea prevails in some quarters as to the effect of this legislation and the number of cases which will arise under it. When agitation of the matter began in Louisiana it was thought that all of these railroad lands would be thrown open to settlement, and a large number of filings were made and claims asserted which did not have any foundation. The misapprehension which for a time existed concerning the matter has disappeared. The actual number of cases which will be presented to the Land Office can not be definitely determined by your committee, but we are of the opinion that the same will not exceed 400. In all probability the cases found meritorious by the department will be far less than that number.

The committee is of the opinion that relief should be granted in these meritorious cases and that it should take the form suggested and most heartily approved by the department.

We therefore recommend the adoption of draft No. 2, with the amendments indicated. It is quite desirable from every standpoint that this legislation should be speedily disposed of. The subject matter has formed the basis of prolonged complications, protracted litigation, and serious agitation extending over a period of many years. It is not thought that injustice can result to anyone by the passage of this legislation in view of the whole history of the case and the course which the matter has heretofore taken, both in Congress and in the courts.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 821.

REGULATION OF PRACTICE OF PHARMACY AND SALE OF POISON IN CONSULAR DISTRICTS OF UNITED STATES IN CHINA.

OCTOBER 8 (calendar day, OCTOBER 16), 1914.—Ordered to be printed.

Mr. SMITH of Michigan, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. 6631.]

The Committee on Foreign Relations, to which was referred the bill (S. 6631) to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China, having had the same under consideration, reports it to the Senate with the recommendation that it pass.

DEPARTMENT OF STATE,
Washington, February 14, 1913.

Hon. WILLIAM ALDEN SMITH,
United States Senate.

DEAR SENATOR: In regard to our conversation this morning, I am sending you herewith in duplicate three memoranda in regard to "An act to regulate the practice of pharmacy and the sale of poisons in the consular districts of the United States in China."

But first a word in regard to the proposed act. Through an error Mr. Cullom introduced the original defective draft of this bill on April 6, 1911. (S. 13, 62d Cong., 1st sess.) The corrected and completed bill is the accompanying bill headed "Senate 8208, Sixty-first Congress, second session," which passed that session of Congress June 25, 1910. I am attaching to this letter both the bills. But Senate 13 should be disregarded entirely, and should be replaced by the old bill, Senate 8208.

As to the memoranda which accompany this letter: The first deals with the reasons making it necessary that Congress should enact the proposed legislation.

The second memorandum deals with the bases for American jurisdiction over American citizens resident in China.

The third memorandum is a quotation from In re Ross (1891, 140 U. S., 253, 463), to the effect that the Government of the United States can, equally with any other Government, make treaties providing for the exercise of judicial authority in foreign countries by its officers appointed to reside therein.

As I informed you this morning, there will be no difficulty in having the House act on this bill at the present session of Congress, if you decide to report it favorably and it is passed by the Senate. The bill has been designed to redeem our pledges to China and as an aid to her in her determination to stamp out opium abuse.

Sincerely, yours,

HAMILTON WRIGHT,
United States Commissioner.

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MEMORANDUM I.

REASONS MAKING IT NECESSARY THAT THE CONGRESS SHOULD ENACT THE ACCOMPANYING BILL, SENATE 8208, SIXTY-FIRST CONGRESS, SECOND SESSION.

In the autumn of 1906 the Chinese Government determined to bring to an end the practice of opium smoking in China. In support of China's effort the United States immediately proposed to Austria-Hungary, China, France, Germany, Great Britain, Italy, Japan, Netherlands, Persia, Portugal, Russia, and Siam that an international commission should be assembled to study and recommend means by which the Indo-Chinese opium traffic and the collateral traffic to the Philippine Islands and other eastern territories might be brought to an end. That commission assembled at Shanghai in February, 1909, and in the course of its deliberations on the opium problem it was demonstrated that in the three preceding years the Chinese Empire had been flooded with so-called opium remedies largely manufactured by foreigners resident in the treaty ports of China, and that these so-called antiopium remedies were composed largely of opium and morphine. It therefore appeared that China's heroic effort to suppress the habit of opium smoking would be frustrated because the habit of swallowing opium was about to take the place of the habit of opium smoking.

The International Opium Commission promptly recognized this fact when demonstrated by the Chinese commissioners, and a means to prevent the replacement of the old habit of opium smoking by opium swallowing and the responsibility of foreigners in the treaty ports of China for the new habit had to be thought out.

After a thorough discussion between the American and Chinese commissioners it was decided that the commission as a whole should recommend to their Governments that they apply their national pharmacy laws to their subjects in the consular districts, settlements, and concessions in China, the object being to prevent foreigners in China manufacturing wholesale and placing on the market so-called antiopium remedies which contain nothing but opium and morphine. Therefore the commission as a whole adopted the following resolution, which was introduced by the American delegation:

"RESOLUTION 9.—*International Opium Commission.*

"*Be it resolved*, That the International Opium Commission recommends that each delegation move its Government to apply its pharmacy laws to its subjects in the consular districts, concessions, and settlements in China."

As the American commissioners, after consultation with the Chinese commissioners, were responsible for this resolution, it was incumbent upon the American Government to be the first to apply any national pharmacy act on the statute books to its subjects resident in its consular districts in China. The only national pharmacy act on the statute books is "Public, No. 148: An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes."

This act was therefore taken as a model of the act which the Chinese Government expected that the American Government would apply to Americans resident in China under those treaty stipulations which are briefed in another memorandum. The modification of "Public, No. 148," which accompanies this memorandum, was passed by the Senate on June 25, 1910, but failed of action in the House, and the matter has rested until the present moment.

Following upon the unanimous action of the International Opium Commission in condemning the evils associated with the opium traffic, this Government proposed to the other interested Governments that an international conference, composed of delegates with full powers, should meet at The Hague to give the force of law and international agreement to the resolutions of the International Opium Commission. That conference assembled at The Hague on the 1st of last December and, after signing a convention, adjourned on the 23d of the following January. Amongst the most important articles signed by the delegates on behalf of their Governments were those which confirmed to China the abolition of the Indo-Chinese opium traffic. (See Ch. 4, International opium convention, p. 34, S. Doc. No. 733, 62d Cong., 2d sess.)

Article 16 of Chapter IV of the international opium convention is the pertinent one so far as the proposed legislation is concerned. That article is as follows:

"ARTICLE 16.—*International opium convention.*

"The Chinese Government shall promulgate pharmacy laws for its subjects, regulating the sale and distribution of morphine, cocaine, and their respective salts, and of the substances indicated in article 14 of the present convention, and shall communicate these laws to the Governments having treaties with China through the intermedi-

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ary of their diplomatic representatives at Peking. *The contracting powers having treaties with China shall examine these laws, and, if they find them acceptable, shall take the necessary measures to the end that they be applied to their nationals residing in China.*"

Thus it will be seen that the powers having treaty relations with China, amongst them the United States, have entered into a solemn pledge with the Chinese Government to apply such pharmacy laws to their nationals residing in China as will regulate the sale and distribution of opium, morphine, and cocaine, the object being to prevent the nationals of the treaty powers flooding China with remedies containing opium which are more baneful in their effects than the evils of opium smoking, which the Chinese are successfully suppressing.

This pledge on the part of the United States can be redeemed by the passage and approval of the accompanying bill.

In regard to the proposed bill, it can be stated that as a pharmacy act it is as satisfactory as Public No. 148, on which it is modeled, which has been in force in the District of Columbia for several years, and which has proved to be as efficient and workable as the pharmacy acts of any of the States of the Union.

As to the law features of the proposed bill as they affect Americans in China, it may be said to be without fault. It represents the combined efforts of Mr. Hamilton Wright, who has been in charge of the international aspects of the opium work on behalf of the American Government, of the members of the Far Eastern Division, and of the solicitors of the Department of State. Since its drafting it has been submitted to Judge Thayer, of the United States Court in China, and to several of the American consuls general in that country. They have all commended it from the point of view of principle, and regard it as practicable and well within treaty and statutory law under which Americans reside in China.

It should be borne in mind that the Chinese Government has by resolution in the International Opium Commission and by treaty stipulation in the International Opium Convention requested this Government to pass this act, and that all Chinese conversant with the question will welcome the present act, if passed and approved, as a model act on which a Chinese national pharmacy act may be based.

MEMORANDUM II.

The bases for American jurisdiction over Americans resident in China are founded:

1. On the right of citizens of the United States to frequent the open ports of China.
2. On the right of the American Government to superintend and regulate the concerns of citizens of the United States doing business at the open ports of China, together with the right of the United States to appoint consuls or other officers at the same ports.
3. The judicial authority of the United States over citizens who reside at the open ports of China.

First. By Article III of the treaty of Wang Hea between United States and China, 1844, citizens of the United States were permitted to frequent the five ports of Quangchow, Amoy, Fuchow, Ningpo, and Shanghai, and to reside with their families and trade there; to proceed at pleasure with their vessels and merchandise to and from any foreign port and either of the said five ports, and from either of said five ports to any other of them. (See p. 474, Treaties between China and Foreign States, vol. 1.)

The provisions of Article III of the treaty of Wang Hea were reaffirmed and broadened by Article XIV of the treaty of Tientsin between the United States and China, 1858 and there was added to the five ports mentioned in Article III of the treaty of 1844 Swatow, Canton, and Taiwan in the Island of Formosa. (See p. 315, ibid.)

Second. By Article IV of the treaty of Wang Hea it is provided that for the superintendence and regulation of the concerns of citizens of the United States doing business in the five ports mentioned in Article III of that treaty the Government of the United States may appoint consuls or other officers at the time, who shall be duly recognized as such by the officers of the Chinese Government. (See p. 474, ibid.)

Article X of the treaty of Tientsin of 1858 reaffirms this right of the United States to appoint consuls at all of the open ports of China.

Third. By Article XXI of the treaty of Wang Hea, 1844, the judicial authority of the United States over its citizens who are in residence at the open ports of China was reaffirmed, it being provided by Article XXI that citizens of the United States who may commit any crime in China shall be subject to be tried and punished only by the consul or other public functionary of the United States authorized according to the laws of the United States, while subjects of China who may be guilty of any criminal act toward citizens of the United States were to be arrested and punished by the

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Chinese authorities and according to the laws of China. (See p. 481, ibid.) The provision of this article was amplified by Article XXV of the same treaty, which provides that all questions in regard to rights, whether of property or person, arising between citizens of the United States and China shall be subject to the jurisdiction of and regulated by the authorities of their own Government, and all controversies occurring in China between citizens of the United States and the subjects of any other Government shall be regulated by the treaties existing between the United States and such Governments, respectively, without interference on the part of China. (See p. 483, ibid.)

Article XI of the treaty of Tientsin, 1858, reaffirmed and amplified Article XXI of the Treaty of Wanghea. (See p. 513, ibid.)

Since these treaties were negotiated the Congress has passed several acts relating to the rights of American citizens in China, and to consular and to judicial jurisdiction over them. The earliest act of Congress which applies was that of August 11, 1848. (9 Stat. L., 276.)

In reporting the bill the Senate Judiciary Committee stated that the measure was considered necessary to the execution of the treaty of 1844 with China. The next legislation was that of June 22, 1860 (12 Stat. L., 72). It was occasioned partly by the newly made treaty with China commonly known as the Tientsin treaty of 1858. It extensively amplified and improved the earliest legislation, and together with the act of July 1, 1870 (16 Stat. L., 183), relating to appeals in certain cases, formed the basis of the law as embodied in the Revised Statutes, sections 4083, 4130. (See p. 787, R. S. U. S., 2d ed., 1878.)

It is repeatedly declared in these statutes that they are intended to carry into effect the treaties which have granted extra-territorial jurisdiction to the United States in China, as well as other oriental countries. The jurisdiction as provided for in China is described with some fullness. The second leading feature of these statutes is that they set forth what law is to be applied in consular courts (Secs. 4086, 4117–4120, 4126.) The jurisdiction in both criminal and civil matters is to be exercised and enforced in conformity with the laws of the United States, which are by these statutes, and so far as necessary and suitable under the treaties, extended over all citizens of the United States in China, and over all others who may have the right of American protection. If the laws of the United States, the statutes continue, are not adapted to the object of the treaties, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall extend in like manner over citizens and other protected persons in those countries. And if neither the common law nor the law of equity or admiralty nor the statutes of the United States furnish appropriate and sufficient remedies, the American minister in China shall issue regulations which shall supply such defects and deficiencies and shall have the force of law. (See pp. 41–42, "American Consular Jurisdiction in the Orient," Hinckley.)

These statutes have been somewhat modified, so far as China is concerned, by the act of June 30, 1906, creating a United States Court for China. That act impliedly removes all jurisdiction and the power of making regulations from the minister to China. It confers this jurisdiction and power upon the judge of the United States Court for China. A copy of the act of June 30, 1906, is attached.

The proposed act to regulate the practice of pharmacy and sale of poisons in the consular districts of the United States in China does not in any way transcend the consular and judicial authority of the United States in China, as provided for in the above-mentioned treaties and statutes. It should be stated in regard to section 13 of the proposed act which protects the act of Congress of February 23, 1887, providing for the execution of the provisions of Article II of the American-Chinese treaty of 1880, that this is necessary to prevent American citizens in the general act of practicing pharmacy from engaging in the opium trade in Chinese waters, as agreed to by the United States and China by Article II of the treaty of 1880.

It may be stated as a general proposition that the Chinese Government has always welcomed the worthy exercise of the judicial functions of the United States which are reserved to this Government under the extraterritoriality provisions of our treaties, and the exercise of such power has always made for better relations between the two countries. The accompanying proposed pharmacy act, which is to apply to Americans resident in China, will serve as a sure indication of the solicitude of this Government to do its bounden duty toward China.

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MEMORANDUM III.

The Government of the United States "can, equally with any of the former or present Governments of Europe, make treaties providing for the exercise of judicial authority in other countries by its officers appointed to reside therein." (In re Ross, 1891, 140 U. S., 453, 463. See Moore, vol. 5, p. 161, third paragraph.)

DEPARTMENT OF STATE,
Washington, September 17, 1914.

The Hon. WILLIAM J. STONE,
Chairman Committee on Foreign Relations, United States Senate.

MY DEAR SENATOR: During the Sixty-second Congress a bill was introduced in the Senate (S. 13) to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China. There is inclosed herewith a copy of the report made by Senator Smith of Michigan on February 19, 1913, from the Committee on Foreign Relations recommending the passage of the bill with an amendment striking out all after the enacting clause and inserting in lieu thereof the provisions indicated in the report and which I have marked. This bill died on the calendar, and it would be especially gratifying to this department if it could be reintroduced in amended form and passed before the adjournment of the present session.

Your attention is invited to the fact that the International Opium Commission which met at Shanghai in 1909 recommended that each Government represented at the meeting should enact regulatory laws on this subject. The International Opium Conference at The Hague subsequently adopted a convention, to which the United States is signatory, pledging the signatory powers to the enactment of legislation such as hereinbefore described and along the lines of legislation already enacted into law bearing on the general subject of the opium traffic. The bill S. 13, as amended, if enacted into law, will be of great benefit in the effort to completely stamp out the opium traffic in China, and this department earnestly hopes that the bill will be reintroduced in amended form and passed at as early a date as practicable.

This department is also deeply interested in the passage of H. R. 6282, which is now in conference, if I am correctly informed, and which was reported from the Committee on Finance of the Senate, providing for the registration with collectors of internal revenue the names of persons engaged in the production, manufacture, importation, and sale of opium or coca leaves, and imposing a special tax on such persons. This bill is entirely independent of the bill S. 13, but inasmuch as it also relates to the regulation of the traffic in opium, this department is intensely desirous of securing its final passage. This Government has been one of the leaders in obtaining concerted action among the principal nations looking to the enactment of such regulatory laws as may be necessary for the suppression of the opium traffic and it would be a matter of much pride on the part of this Government and great benefit to the movement if the bills referred to herein were speedily passed.

I have the honor to be, sir, your obedient servant,

ROBERT LANSING,
Acting Secretary.

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63D CONGRESS, 2d Session. } SENATE. { REPORT No. 822.

NINTH INTERNATIONAL CONGRESS OF THE WORLD'S PURITY FEDERATION.

OCTOBER 8 (calendar day, OCTOBER 17), 1914.—Ordered to be printed.

Mr. POMERENE, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany H. J. Res. 271.]

The Committee on Foreign Relations, to which was referred House joint resolution 271, authorizing the President to appoint delegates to attend the Ninth International Congress of the World's Purity Federation, to be held in the city of San Francisco, State of California, July 18 to 24, 1915, having had the same under consideration, reports the resolution with the recommendation that it do pass.

[House Report No. 826, Sixty-third Congress, second session.]

The Committee on Foreign Affairs, to which was referred the resolution (H. J. Res. 271) authorizing the President to appoint delegates to attend the Ninth International Congress of the World's Purity Federation, having had the same under consideration, report it back with an amendment and with the recommendation that the said resolution as amended do pass. The amendment is as follows:

After the word "fifteen," at the end of line 8, add the words—

"*Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said congress."

This resolution as amended imposes no charge upon the Treasury.

The objects and purposes of this congress are fully set out in the "prospectus" of the World's Purity Federation, which accompanies this report.

NINTH INTERNATIONAL PURITY CONGRESS, SAN FRANCISCO, CAL., JULY 18–24, 1915.

World gathering, held in connection with the Panama-Pacific Universal Exposition, for the annihilation of the white-slave traffic, the suppression of public vice, instruction in sex hygiene, and for social, civic, and moral welfare.

This congress is called by and will be held under the direction of the World's Purity Federation, with the cooperation of Government officials, leading associations organized for social uplift, and eminent religious workers, reformers, and philanthropists. The eight successful international gatherings that have preceded this congress, held

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since 1900 under the auspices of this federation, have been potent factors in bringing about the present world-wide agitation and efforts against the social evil, and in creating that high state of sentiment and intelligence on the problems relating to public vice and contributory and allied evils which to-day makes the consideration and open discussion of these questions possible, and demands chaste men and women—a single standard of morals and clean cities—pure social relations. The San Francisco congress will undoubtedly be the greatest gathering ever assembled in the interest of the purity cause.

We could not be more fortunate in our place of meeting and in the date set. Many thousands of people from every section of the world will visit the Panama-Pacific Exposition, hundreds of conventions and congresses will convene there, July being the vacation month and the exposition then at its best. All who can do so will want to be in San Francisco at that time. The great convention auditorium has been reserved for our congress, and the most advantageous hotel accommodations will be secured for all our delegates and visitors. Railroads and steamship lines will offer the very lowest rates. Arrangements are being made for special trains to the congress from Chicago and leading seaports, as Boston, New York, New Orleans, etc., that will take in the most scenic routes in the United States and Canada. This feature will offer special opportunity for fellowship and pleasure and be of interest and worth to foreign delegates particularly. A number of religious, reform, and uplift organizations that are not planning to hold their own conventions in San Francisco will join with us in the congress, taking a distinct part in our program. We welcome all such forces and cooperation.

The program to be carried out at this congress will include addresses by eminent reformers, scientists, educators, physicians, and religious workers, discussions covering the various phases of our movement by recognized authorities, and periods for open discussion, debate, and questions, enabling delegates to secure just the information and help they may require for their own special work and for the promotion of the movement in their own country and community. The program will be worth a trip around the world. The exposition itself will offer many opportunities for pleasure and social intercourse that could be enjoyed nowhere else. The one aim of the congress is to formulate safe and sane constructive methods and plans of work that have in them no element of the sensational or hysterical, and to impart needed inspiration and enthusiasm for the work itself.

Chief executives of nations, governors of States and Provinces, mayors of cities, and heads of other governmental departments are invited to send representatives. Invitation is most heartily extended to religious, reform, social, civic, and philanthropic societies, and to all organizations laboring for social uplift and to promote purity and eradicate vice to send delegates. Individuals not connected with any organization will be welcome. Organizations of women should be strongly interested in this movement and lend their best assistance. We earnestly desire the best cooperation of everyone who is seriously and sincerely interested in this cause, and will appreciate suggestions as to topics and speakers for the program. Names and addresses of persons actively interested in this cause are desired. For further information, delegates' blanks, and printed matter for distribution, address

WORLD'S PURITY FEDERATION,
La Crosse, Wis.

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63D CONGRESS, 2d Session. | SENATE. | REPORT No. 824.

PAYMENT OF DAMAGES TO THE NORWEGIAN SHIP "INGRID."

OCTOBER 21, 1914.—Ordered to be printed.

Mr. SHIVELY, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. J. Res. 198.]

The Committee on Foreign Relations, to whom was referred the message of the President transmitting a letter of the Secretary of State to the President, and certain correspondence between the Governments of the United States and Norway, relating to claims for damages in behalf of certain members of the crew of the Norwegian ship *Ingrid*, respectfully report a joint resolution with the recommendation that the same do pass.

Your committee append hereto the message of the President, and also the correspondence in which are detailed the facts and circumstances connected with the matter.

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of Norway against this Government on account of the action of the authorities of Hudson County, N. J., in holding for their appearance as witnesses in a criminal case in that county, in violation of treaty provisions between the United States and Norway, as the Norwegian Government alleges, three members of the crew of a Norwegian ship called the *Ingrid*, and I recommend that, as an act of grace, and without reference to the question of the liability of the United States, an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE,
October 7, 1914.

The PRESIDENT: On February 1, 1911, a cargo of dynamite exploded at Jersey City, causing considerable damage to a Norwegian ship called the *Ingrid*, which was lying in the harbor near the place where the accident occurred. A short time after the explosion had taken place, three members of the crew of the *Ingrid* were arrested by the New Jersey authorities and confined in the Hudson County jail, they being considered

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important witnesses in the case involving the responsibility for the explosion in the harbor. The consul general of Norway in New York conferred with the local authorities regarding the matter and asked that the seamen be released, but the authorities refused this request, basing their refusal on certain provisions of the law of New Jersey which they represented authorized the detention of the men as witnesses. At the instance of the Norwegian legation the department brought the complaint of the seamen to the attention of the governor of New Jersey, who in reply advised the department that it seemed plain to him that it was necessary to detain the men for the present in order that justice might be done in the serious matter of the explosion. Although the detention of the seamen appears to have been a rather harsh act, it seems clear that the authorities acted in good faith and with due observance of the forms of law in holding the men as witnesses.

On March 6, 1911, an order for the release of the sailors was issued by the Circuit Court of the United States for the District of New Jersey, in which habeas corpus proceedings had been instituted. It thus appears that the men were detained about a month, being held for this length of time as witnesses in default of furnishing bonds in the sum of $500 each. It appears that the following treaty provision contained in Article VII of the treaty of amity and commerce, concluded April 3, 1783, between the United States and Sweden, was invoked in behalf of the seamen:

"All and every the subjects and inhabitants of the Kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels, in all safety and freedom and without any regard to those to whom the merchandise and cargoes may belong, from any port whatever * * *."

The Norwegian Government has asked this Government to pay an indemnity of $400 to each of the sailors and the sum of $1,587.78, the amount spent for legal services in connection with the habeas corpus proceedings which were instituted to obtain the release of these men.

The department has informed the Norwegian Government to the effect that it can not admit liability on the part of this Government to pay an indemnity to the Norwegian Government in satisfaction of this claim; that it appears that the seamen of the *Ingrid*, although temporarily detained under the order of an inferior State tribunal, were promptly discharged on application to the appropriate department of this Government, and that the Department of State does not consider that there was any violation of the treaty rights which were asserted in their behalf by the Government of Norway. The Norwegian Government, however, has continued to press the claim. It takes the position that, since a Federal court of this country has decided that treaty provisions between the United States and Norway stood in the way of the detention of the seamen, the Government of the United States has become liable for the breach of such treaty provisions.

In view of all the facts and circumstances of this claim, and particularly in view of the fact that the seamen of the *Ingrid* unquestionably suffered considerable hardship as a result of their detention, the Secretary of State has the honor to recommend that the Congress be requested to make, as an act of grace and without reference to the question of the liability of the United States, an appropriation of $2,200 to pay the personal indemnity requested in behalf of each of the seamen and a reasonable sum to cover the expenses of legal services in connection with the habeas corpus proceedings which were instituted to obtain the release of these men.

In this relation the Secretary of State has the honor to lay before the President, with a view to their transmission to Congress for the consideration of that body in connection with this case, copies of correspondence between the Norwegian Legation and the Department of State in regard to the claim for an indemnity against the Government of the United States.

Respectfully submitted.

W. J. BRYAN.

DEPARTMENT OF STATE,
Washington, October 5, 1914.

LEGATION OF NORWAY,
Washington, D. C., February 9, 1911.

SIR: On the 1st instant a cargo of dynamite exploded a railway wagon in Communipaw, Jersey City, and the explosion caused considerable damage to the Norwegian ship *Ingrid*, which was lying in the harbor near the place where the accident occurred.

Some time after the explosion had taken place a detective went on board the *Ingrid*, went into conversation with some of the crew, and finally ordered the following of the crew, viz, Second Mate Trygve Andersen, Deck Boy Sigurd Nilsen, and young man Arthur Rasmussen to go ashore with him in order to make statements of what

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they knew about the explosion. They did so, and when ashore they were arrested and confined to Hudson County jail, not because they were suspected of having committed any crime or offense or anything unlawful, but only because they were considered to be important witnesses in the case and to be able to state where the explosion broke out.

The consul general of Norway in New York, on the 6th instant, spoke with the district attorney concerned and with one of the judges, and claimed that the said men belonging to the Norwegian ship be released, but the release was refused, the refusal being based upon articles 14, 15, and 22 of the law of New Jersey, dated 27th of March, 1874, the said authorities pretending that the presence of the sailors in question had to be secured. The authorities furthermore declared that weeks and perhaps months might expire before the arrested men could be released.

It seems to me that it can hardly have been the intention of the legislators of the State of New Jersey that the said law articles should be applicable to the crews of foreign ships visiting the ports of said State, as this would cause serious obstacles to the commerce and be in contradiction with the safety and freedom generally granted among nations to international navigation.

Moreover, in my opinion, the arrest of these sailors is against prevailing treaty regulations between Norway and the United States. By Article XVII of the treaty of the 4th of July, 1827, between Norway and Sweden and the United States, article 7 of the treaty concluded on April 3, 1783, between Sweden and the United States is revived also for Norway, and said article 7 prescribes: "All and every the subjects and inhabitants of the Kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels in all safety and freedom from any port whatever * * *." I think it can not be rightly said that Norwegian vessels are allowed to navigate in all safety and freedom from any American port whatever if it should be allowed to put their crews into jail in cases when the members of the crew are not suspected of having committed anything against the laws of the United States.

I am quite well aware that the *Ingrid* is so badly damaged by the explosion that she probably can not continue her voyage; but this circumstance can clearly not interfere with the question of principle whether the crews can be taken away from Norwegian ships and withheld in arrest only because their presence might be useful to authorities or private persons.

I venture to trust that your excellency may find it convenient to take this matter up, and I should feel greatly obliged to your excellency for kindly bringing orders to be issued to the effect that the three sailors from the *Ingrid* be released from the arrest without delay. I beg to add that two of the seamen are Norwegians and one is a Dane.

Inclosing a cut from a New York newspaper treating the case and thanking you beforehand for what your excellency should be pleased to do in this matter, I avail myself of this opportunity to renew to your excellency the assurances of my highest consideration.

H. BRYN.

LEGATION OF NORWAY,
Washington, D. C. (p. t. Northeast Harbor, Me.), July 28, 1911.

SIR: Referring to former correspondence, latest your excellency's note of March 16, 1911, I have the honor, acting under instructions from my Government, to address you again in the matter of the three sailors from the Norwegian ship *Ingrid*, who were arrested on the 3d of February last by American authorities and held in prison as witnesses of the explosion at Communipaw Docks and who were, after habeas corpus proceedings, released on the 6th of March last by decision of the United States Circuit Court at Trenton, which court held that the seamen's detention was in violation of existing treaty between Norway and the United States.

My Government, who has been made acquainted with the correspondence between this legation and the State Department, as well as with the other documents regarding the case, has directed me to submit the matter to your excellency's kind consideration in order that the three sailors—Second Mate Trygve Anderson, deck boy Sigurd Nilsen, and young man Arthur Rasmussen—may obtain a compensation from the American Government for the detention inflicted upon them by the New Jersey authorities, and in order that the sailors' expenses for legal assistance during the habeas corpus proceedings may be refunded. This request is based upon the fact that it has been decided by an American Federal court (Circuit Court of the United States of America for the District of New Jersey) that the American authorities in arresting the said sailors acted in violation of the treaty between Norway and the United States, which

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decision, as your excellency will be aware of, has not been appealed from. In view of this fact it seems proper that the expenses incurred on account of the proceedings in the case ought to be paid by the American Government and not by the detained sailors themselves—who committed no wrongful act—nor eventually by the Norwegian Government on their behalf.

In its letter of 14th of February last the State Department made the observation "that provision for the detention of witnesses to insure their appearance when their testimony is required, similar to that made by the laws of New Jersey, is common to the jurisprudence of most if not all countries." In reply to this observation my Government has instructed me to state that such provision is quite unknown to the jurisprudence of the northern European countries and, it is presumed, also to the jurisprudence of most European countries. In those countires permission to detain witnesses is granted only in the cases in which witnesses refuse to give evidence or refuse to be sworn.

Adding that my Government deems that the compensation in this case ought to amount to at least $400 to each of the three sailors I venture to ask that your excellency, considering the facts set forth above, will kindly cause this compensation to be granted by the American Government, and also that the sailors' expenses for legal assistance during the habeas corpus proceedings, $1,587.78 (as stated per inclosed vouchers) be refunded at the same time.

I inclose for your excellency's information the following documents, relative to the habeas corpus proceedings:

1. Copy of commitment.
2. Copy of petition.
3. Copy of writ.
4. Copy of return.
5. Copy of the Norwegian consul general in New York's petition of intervention.
6. Copy of brief which was furnished to the judge before the hearing.
7. Certified copy of order of discharge.

Furthermore I inclose:

8. Copy of agreement between Trygve Andersen and Mr. Pierre P. Garven.
9. Bill from Messrs. Thompson & Ballentine, attorneys and counselors at law, New York, amounting to $1,097.67.

This bill is accompanied by—

10. Bill from Messrs. MacLear & Fort, counselors at law, New Jersey, amounting to $490.11.
11. A cutting from the New York Sun, March 7, 1911, in which is reported the judge's decision in the case, etc.

Expressing the hope of receiving a favorable answer, I avail myself of the opportunity to renew to your excellency the assurances of my highest consideration.

LUDWIG AUBERT,
Chargé d'Affaires ad interim.

His Excellency P. C. KNOX,
Secretary of State.

LEGATION OF NORWAY,
Washington, D. C., December 29, 1911.

Mr. SECRETARY OF STATE: In a note to Mr. Aubert, dated September 23, 1911, the Acting Secretary of State has suggested that the question of indemnity growing out of the fact that three sailors from the Norwegian ship *Ingrid* had been arrested and imprisoned upon commitment issued by an officer of the second criminal court of Jersey City on the 4th of February, 1911, in violation of the treaty of commerce existing between Norway and the United States, ought to be brought before the United States courts before resort could properly be had to the presentation of a diplomatic claim. In the same note the Acting Secretary of State has stated that the attorney general of the State of New Jersey had expressed the opinion that the members of the board of chosen freeholders of the county of Hudson are the persons responsible under the conditions presented in this case and that the prosecutor of pleas of the county might be joined with them in a civil suit.

On this occasion I beg to point out that the illegal writ by which these sailors were committed to imprisonment was issued by an officer of the second criminal court of Jersey City on the date of February 4, 1911, and even though other American authorities may be implied in the illegal proceedings in this matter, this circumstance can not obscure the fact that the officer of the criminal court who issued the unlawful order of imprisonment was under the obligation, when acting in his official capacity, to respect

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and observe the treaties of the United States. Copy of the commitment was annexed to Mr. Aubert's note to your excellency of July 28, 1911.

Furthermore, I beg to state that the three seamen being destitute of means, and an unlawful arrest being considered in Norway as well as in the United States a matter of high importance, the Norwegian Government found itself under the necessity of guaranteeing the expenses involved in instituting habeas corpus proceedings before the United States Circuit Court for the District of New Jersey in order to obtain the release of the unlawfully arrested seamen. The circuit court recognized that the imprisonment was in violation of the treaty and ordered the release of the seamen.

As regards the question of indemnity to the three seamen for the unlawful imprisonment inflicted upon them by the said criminal court, the advice to seek remedy in a civil suit before the courts of this country would not help them much, as they do not possess the necessary means to take such action. The seamen therefore consider this advice an equivalent to a refusal of justice.

In this connection I beg to state that if any action is to be taken against the second criminal court of Jersey City for its violation of the treaty, it will evidently devolve upon the United States Government to take such action.

I furthermore venture to state that various messages transmitted to Congress show that it is in conformity with American practice that an American citizen who has been wronged by a foreign authority seeks redress through the American Government. Many instances might be cited in which the American Government has claimed and obtained redress from foreign governments for arrest and other wrongs done to American citizens by foreign authorities in violation of international law or treaty.

The same principles have also been followed when there has been question of wrongs done to foreign subjects by an American authority. In this respect I need, I am sure, but to call to your excellency's attention the many cases in which the American Government, in obeyance to the general feeling of justice prevailing in the United States, has upon representation made by a foreign government, granted indemnities to foreign subjects unlawfully arrested or otherwise wronged by American authorities. Especially I venture to call your excellency's attention to the case mentioned in Senate Documents No. 256, Fifty-fifth Congress, second session, and No. 29, Fifty-sixth Congress, second session, which case offers close analogies to the present case.

According to instructions received from my Government I have the honor to ask your excellency kindly to give the question of indemnity for the unlawful arrest of the three sailors from the Norwegian ship *Ingrid* renewed consideration in order to bring it to the best possible solution.

Please accept, Mr. Secretary of State, the renewed assurances of my highest consideration.

H. BRYN.

His Excellency Hon. P. C. KNOX,
Secretary of State.

DEPARTMENT OF STATE,
Washington, June 21, 1913.

SIR: I have the honor to acknowledge the receipt of your memorandum of May 31, 1913, in which you refer to your note of December 29, 1911, in regard to the presentation of a claim by your Government against this Government on account of the action of the authorities of Hudson County, N. J., in holding for their appearance as witnesses in a criminal case in that county, in violation of treaty provision between the United States and Norway, as your Government contends, three members of the crew of the Norwegian ship *Ingrid*. The department has given this matter most thorough and careful consideration, but does not find that there is any legal liability on the part of this Government to pay an indemnity as requested in the legation's note of July 28, 1911, of $400 to each of the sailors and the sum of $1,587.78, the amount expended for legal services in connection with habeas corpus proceedings which were instituted to obtain the release of the seamen.

As you will recall, the facts and circumstances connected with this claim are briefly stated as follows:

On February 1, 1911, a cargo of dynamite exploded at Jersey City, causing considerable damage to the *Ingrid*, which was lying in the harbor near the place where the accident occurred. A short time after the explosion had taken place, three members of the crew of the *Ingrid* were arrested by the New Jersey authorities and confined in the Hudson County jail, they being considered important witnesses in the case involving the responsibility for the explosion in the harbor. The consul general of Norway in New York conferred with the local authorities regarding the matter and

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asked that the seamen be released, but the authorities refused his request, basing their refusal on certain provisions of the law of New Jersey, which, they represented, authorized the detention of the men as witnesses. At the instance of your legation, the department brought the complaint of the seamen to the attention of the governor of New Jersey, who in reply advised the department that it seemed plain to him that it was necessary to detain the men for the present, in order that justice might be successfully administered in the serious matter of the explosion. On March 6, 1911, an order for the release of the sailors was issued by the Circuit Court of the United States for the District of New Jersey, in which habeas corpus proceedings had been instituted. It thus appears that the men were detained about a month, being held for this length of time as witnesses in default of furnishing bonds in the sum of $500 each.

Under date of September 23, 1911, the department advised your legation that the governor of New Jersey, to whom the claim presented by you had been referred, had informed the department that the attorney general of New Jersey had expressed the opinion that the members of the board of chosen freeholders of the county of Hudson were the persons responsible under the conditions presented in the case, if legal liability attached to any of the officials concerned in the matter, and that the prosecutor of pleas of the county might be joined with them in a civil suit. The department suggested that, in view of this opinion, the seamen should exhaust their legal remedies in the appropriate courts before resort could properly be had to the presentation of a diplomatic claim in their behalf.

It seems clear that the local New Jersey authorities acted in good faith and with due observance of the forms of law in holding the seamen as witnesses. The measures taken to detain these men were such as citizens of this country whose testimony it should be deemed important to have with a view to insuring the proper administration of justice might be subjected to in a given case. If a government may not use against aliens as well as against its own nationals the recognized methods of procuring the attendance of witnesses in criminal cases, including that of binding witnesses by recognizance to appear and give testimony, then its criminal procedure may at times be rendered wholly ineffective.

However, as previously observed, in the particular case under consideration, the Federal court at Trenton, N. J., directed the release of the seamen of the *Ingrid* on application being made to it for that purpose through proper judicial proceedings. It appears therefore that the alien seamen of the *Ingrid*, although temporarily detained under the order of an inferior State tribunal, were promptly discharged on application to the proper department of this Government, and that there has been no violation of the rights which were asserted in their behalf by your Government under the following treaty provision, contained in Article VII of the treaty of amity and commerce concluded April 3, 1783, between the United States and Sweden:

"All and every the subjects and inhabitants of the Kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels, in all safety and freedom, and without any regard to those to whom the merchandise and cargoes may belong, from any port whatever * * *."

The department has noted the statements in your note of December 29, 1911, to the effect that the seamen of the *Ingrid*, who were detained by the New Jersey authorities, do not possess the necessary means to pursue such legal remedies as might be open to them in an action for alleged false imprisonment against the responsible New Jersey officers. The department can not consider this fact as affording a basis for the presentation of a diplomatic claim, nor as in any way affecting the rule of international law that a claimant against a foreign Government is not usually regarded as entitled to diplomatic intervention by his own Government until he has exhausted his legal remedies in the appropriate tribunals of the country against which he makes the claim. The department has taken this precise stand both in a case of a claim presented against this Government by another nation in behalf of one of its nationals and in the case of a citizen of this country desiring to present a claim against a foreign Government.

Accept, sir, the renewed assurances of my highest consideration.

For the Secretary of State:

J. B. MOORE.

Mr. H. BRYN,
Minister of Norway.

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LEGATION OF NORWAY,
Washington, D. C., November 25, 1913.

Mr. SECRETARY OF STATE: By a note from the Hon. J. B. Moore, dated June 21, 1913, regarding the claim of indemnity for the unlawful arrest at Jersey City in February, 1911, of three members of the crew of the Norwegian ship *Ingrid*, I was informed that the Department of State did not find that there was any legal liability on the part of the Government of the United States to pay an indemnity as requested in this legation's note of July 28, 1911, of $400 to each of the sailors and the sum of $1,587.78, the amount expended for legal services in connection with habeas corpus proceedings which were instituted to obtain the release of the seamen.

Acting under instructions from my Government, I have the honor to inform your excellency that the statements made in the Department of State's above-mentioned note of June 21, 1913, have failed to alter my Government's views of the case, as have been set forth in the legation's previous notes to the Department of State regarding the same.

Please accept, Mr. Secretary of State, the renewed assurances of my highest consideration.

H. BRYN.

His Excellency Hon. W. J. BRYAN,
Secretary of State.

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